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IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1997

MANUEL GONZALEZ FIGUEROA, et al
PETITIONERS

V.

UNITED STATES- RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF
APPEALS FOR THE FIRST CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

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128 pp

QUESTIONS PRESENTED

1. Whether the United States of America (Department of Housing and Urban Development, (HUD)) had the statutory **or written policy** authority under the United States Housing Act of 1937, as amended, and its implementing federal regulations, or acted within the realm of the discretionary function exception embodied in the Federal Tort Claims Act, when it entered into and co-implemented a **Privatization Agreement** so as to privatize the management, administration and operations of all the Puerto Rico public housing agency's (PRPHA) federally-funded public housing projects.

2. Whether the courts below were correct in holding that one of the elements to be met by petitioners, so as to consider their claim **actionable** under the Federal Tort Claims Act, is that petitioners must be the intended beneficiaries of the federal statute that regulates the federal agency involved, although the recognition and requirement of such element contravenes

Supreme Court authority established in **FDIC v. Meyer**, 114 S. Ct. 996, 1001 (1994), 127 L. Ed 2d 308, 317-318. Whether the United States, if a private person, would have been held liable to petitioners under Puerto Rico statutes, that is, the law of the place where the act or omission ocurred.

3. Whether the United States of America can agree to and co-implement a Privatization Agreement of local public housing agency's (PHA) federally-funded public housing program and/or projects, **without any authority granted under federal law, regulations, guidelines or written policy**. Whether the plain meaning words and terms of the United States Housing Act of 1937, as amended, and the implementing regulations, as well as its legislative history, confers sole authority to a PHA to manage, operate and administer its federally-funded public housing projects, except only where the local PHA has been previously declared by HUD in substantial default under 42 USCA 1437d(j)(3)(A), and under 24 CFR secs. 901.205,

901.210 and 901.215.

4. Whether a private contractor (private housing management agent) can receive lucrative financial profits **from the use** of public federal funds assigned by HUD to such private agent, for the management, administration and operation of a PHA's federally-funded public housing program and/or projects, **although said private agents are not authorized under federal law to receive such lucrative financial profits**.

5. Whether the district court and the Court of Appeals applied the correct legal standards for reading a complaint under a motion to dismiss pursuant to Rule 12(b)(6) of the Fed. R. Civ. P.

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1997

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

The list of all parties to the proceeding in the court whose judgment is sought to be reviewed, is as follows:

PETITIONERS: The petitioners are Manuel Gonzalez Figueroa, and those petitioners identified in the Appendix A herein attached, which are made an integral part of the caption of this case.

RESPONDENT: The respondent is the United States of America.

IN THE SUPREME COURT OF THE UNITED STATES

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ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

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IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1997

MANUEL GONZALEZ FIGUEROA, AND THE OTHER PETITIONERS IDENTIFIED IN APPENDIX A HEREIN, WHICH ARE MADE AN INTEGRAL PART OF THIS CASE - PETITIONERS

V.

UNITED STATES OF AMERICA- RESPONDENT

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

TO THE HONORABLE COURT:

Petitioners most respectfully petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the First Circuit in this case.

I. OPINIONS BELOW

The opinion of the Court of Appeals (App. B, pages 61-66) and the Opinion and Order of the District Court (see App. C, pages 67-86) are unreported.

II. JURISDICTION

The Honorable Court of Appeals entered its Judgment on September 12, 1997 (App. B, page 61). The jurisdiction of this Honorable Court is invoked under 28 USCA sec. 1254, and Rules 10 and 13 of the Supreme Court Rules.

III. PROVISIONS OF STATUTES AND REGULATIONS INVOLVED IN THIS CASE

A. Federal statutes and regulations:

1. 42 USCA sec. 1437d(j)(2)(B), see App. D, pages 87-88.

2. 42 USCA sec. 1437d(j)(3)(A), see App. D, page 88.

B. Puerto Rico Statutes

1. Articles 1802 and 1803 of the Puerto Rico Civil Code, 31 LPRA sec. 5141 and 5142. See App. D, pages 89-90.

2. Law on Claims and Suits against the Commonwealth of Puerto Rico, 32 LPRA secs. 3077 et. seq. App. D, pages 90-91.

IV. STATEMENT OF THE CASE

On May 2, 1992, the United States of America (acting through HUD) entered into and co-implemented a Privatization Agreement with the Puerto Rico Public Housing Administration

(PRPHA)[1], which required the privatization of the management, administration and operations of all the PRPHA's federally-funded public housing program and/or projects.

Petitioners in this case are, for the most part, laid-off employees of PRPHA, while the other petitioners were transferred and/or demoted by PRPHA, due to the Privatization Agreement entered into and co-implemented by HUD and PRPHA.[2]

Prior to said Privatization Agreement, the PRPHA was directly managing, administering and operating its federally-funded public housing program and/or projects, as required under the Housing Act, and its implementing federal regulations. Furthermore, prior to the Privatization Agreement, the PRPHA

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[1]The PRPHA is the local public housing agency (PHA) under the United States Housing Act of 1937, as amended. (**hereinafter, Housing Act**)

[2]Petitioners were laid-off, transferred or demoted as of July 31, 1992, the date in which the privatization of more than 300 public housing projects was ended. The privatization period lasted 3 months.

and HUD had in full force and effect a Memorandum of Agreement (MOA) executed under 42 USCA sec. 1437d(j)(2)(B) (App. D, pages 87-91) and 24 CFR 901.40.

A. JURISDICTION AND PROCEEDINGS IN THE COURTS BELOW

Petitioners filed within HUD an administrative claim under the Federal Tort Claims Act (FTCA) within two years of their layoffs, transfers or demotions, as required under 28 USCA sec. 2675. HUD issued its final decision thru a letter dated August 10, 1994, denying the claim on the ground of the discretionary function exception under the FTCA (28 USCA sec. 2680 (a)).

On December 30, 1994, petitioners filed suit in the district court pursuant to 28 USCA sec. 2401(b). Respondent moved to dismiss petitioner's amended complaint under Rule 12 (b)(6) of the Fed. R. Civ. P. Petitioners then filed within the district court a memorandum of law opposing to respondent's motion to dismiss, and on February 25, 1997, the district court

issued its Opinion and Order (App. C, pages 68-86) and Judgment (App. C, page 67), dismissing the complaint and cause of action for lack of subject matter jurisdiction. See App. C, page 86.

The District Court based its decision in that HUD's actions to enter into and co-implement the Privatization Agreement falls within the discretionary function exception under the FTCA, and that petitioner's claim was not actionable under the FTCA because **"[i]t is insufficient that federal statutes or regulations may impose a duty to act. Plaintiffs must still show that they are the beneficiaries of the statute or regulations and that there are similar circumstances where a private party would be held liable".** (Emphasis added) See App. C, page 83.

On March 17, 1997, petitioners filed the Notice of Appeal. The Court of Appeals for the First Circuit had jurisdiction over the appeal pursuant to 28 USCA sec. 1291.

On September 12, 1997, the Court of Appeals issued its Opinion **summarily** affirming the district court's judgment. (See App. B, pages 62-66).

The Court of Appeals stated that "we affirm the judgment for substantially the reasons set forth in the lower court's discussion of the discretionary function exception to the FTCA." See App. B, page 64. It also held that "the absence of a comparable cause of action against a private individual precludes FTCA liability here." See App. B, page 66.

B. PUBLIC HOUSING AGENCIES

There are more than 3,000 public housing agencies (PHA) throughout the country.[3] The PHA is extensively regulated under the Housing Act and the implementing federal regulations.

Under 42 USCA sec. 1437a, a PHA is defined as a

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[3]As recognized by this Honorable Court in Wright v. Roanoke Redev. and Housing Authority, 479 US 418 (1987).

governmental entity and, therefore, a private contractor, entity or individual cannot be considered a public housing agency.

Under the Housing Act and federal regulations, the PHA has the sole authority to manage, administer and operate its federally-funded public housing program and/or projects, except only when HUD has made a prior determination of substantial default incurred by the PHA[4], as required under 42 USCA sec. 1437d(j)(3)(A) and 24 CFR secs. 901.205, 901.210 and 901.215. (See App. D, page 88). Federal law affords **multiple explicit functions and tasks to be performed exclusively by a PHA**, which cannot therefore be delegated by HUD nor the PHA to private entities and individuals.

For example, under 42 USCA 1437d(j), it is extensively regulated the assessment to be made by HUD with respect to the management performance of public housing agencies in all

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[4]There is no controversy to the fact that HUD did not declare the PRPHA in substantial default prior to entering into the Privatization Agreement.

major areas of management operations **of its housing projects and/or program**; under 42 USCA 1437d(c)(4), it is extensively regulated the PHA's sole responsibility and compliance with sound management practices **in the operation and administration of housing projects**, and to establish inter alia accounting systems in each housing project for rental collection and costs[5]. Likewise, under 42 USCA 1437d(c), it requires a PHA to review and revise the rent of income families; under 42 USCA 1437d(k), it mandates that a PHA must "**establish and implement** an administrative grievance procedure", to "**utilize** leases which...obligate the public housing agency to maintain the project in a decent, safe and sanitary condition", and to "**require** the public housing agency **to give** adequate written notice of termination of the lease"; and

[5]All these functions and duties mandatorily assigned to a PHA under federal law, were merely set aside by respondent. Respondent arbitrarily decided to assign said tasks and functions to private entities thru the Privatization Agreement, although there was no authority under federal law to do so.

under 42 USCA 1437l, it is extensively regulated the PHA's sole authority and responsibility to manage and operate its housing projects, as to the "**management, financial, and accounting control systems of the public housing agency that are related to such project**".

Under federal regulations, prepared and approved by HUD, it is conferred on the PHA the sole authority to manage and operate its housing projects.

For example, in 24 CFR sec. 941.201, it states as follows: "In order to participate in the public housing program, a PHA must be approved as an eligible PHA...The PHA must demonstrate that it has the legal authority to develop, own, **and operate** a public housing project under the Act." (Emphasis added)

Under 24 CFR sec. 913.110, it mandates as follows: "...**the PHA shall conduct** the examination or reexamination as schedule **and determine** the family's rent in accordance with

regulations and procedure...For purposes of this section, an examination or reexamination will be considered to be **"conducted" at the time a PHA**, based on its regular practice, begins scheduling and verifying the submission of data by an applicant or tenant..."

Under 24 CFR sec. 913.109, it mandates as follows: "...**The PHA is responsible for determination of eligibility for admission; for determination** of Annual Income, adjusted Income and Total Tenant Payment; and for reexamination of family income and composition at least annually.."

In 24 CFR sec. 941.101, it mandates as follows: "...The requirements for the administration of a PHA and for the operation and **management** of public housing projects are stated in this chapter, Chapter VII, and in the Annual Contributions Contract (ACC)..."

Under 24 CFR sec. 966.1, it mandates as follows: "The purpose of this subpart is to prescribe the provisions that shall

be incorporated in leases by public housing agencies (PHA's) for dwelling units assisted under the U.S. Housing Act of 1937 in projects owned by or leased to PHA's and leased or subleased by PHA's to tenants. This subpart is applicable to all such dwelling leases **entered into directly by PHA's with tenants**..."

V. REASONS FOR GRANTING THIS PETITION

A. THE COURT OF APPEALS DECIDED AN IMPORTANT QUESTION OF FEDERAL LAW THAT SHOULD BE SETTLED BY THIS HONORABLE COURT

Granting this Petition for Certiorari will enable this Honorable Court to inter alia help more than 3,000 PHA's located across the nation. This help consists of telling the nation the precise meaning of the provisions under the Housing Act and regulations. This Court's interpretation of the PHA's authority, responsabilities and functions under the United States Housing Act of 1937, as amended, will certainly contribute to

delineate the legal parameters of the PHA for managing, administering and operating its federally-funded public housing program and/or projects.

This petition poses a **recurrent** legal question of outmost significance and importance. It deals with the public housing administration across the country. Once settled by this Honorable Court, PHAs will feel certain of their managing authority and tasks.

This Honorable Court will also determine for the first time the legal boundaries of HUD's authority under the Housing Act, with respect to authorizing and co-implementing the privatization of the management, administration and operations of the PHA's federally-funded public housing program or projects.

Because the issues presented are recurrent, distric and appellate courts will continue the struggle for construing the Housing Act without any guidance by this Honorable Court. A

decision by this Court would certainly relieve the burden on the lower federal courts that must continue to grapple with these issues.

Both Congress and this Court (see Wright v. Roanoke Red. Housing Authority, 479 US 418 (1987)) have recognized the importance of the services performed by public housing agencies across the country. Resolution of these issues by this Court, is also necessary in order to promote uniformity in the decision of certain federal questions that will arise repeatedly in tort suits as a result of Privatization Agreements entered into and co-implemented by HUD.

No guidance by this Court to these questions has the effect of maintaining obscure the basic responsibilities and operations of PHAs in the mainland, not to mention repeated cases being filed in lower federal courts on these same issues.

B. THE COURT OF APPEALS DECIDED AN IMPORTANT QUESTION OF FEDERAL LAW THAT IS CLEARLY ERRONEOUS

Congress express intention under 42 USCA 1437d(j)(3)(A) (see App. D, page 88), states as follows:

> "(3)(A) **Notwithstanding any other provision of law or of any contract for contributions**, upon the occurrence of events or conditions that constitute a substantial default by a public housing agency with respect to the covenants **or conditions** to which the public housing agency is subject, or an agreement entered into under paragraph (2), the Secretary may -(i) solicit competitive proposals from **other public housing agencies** and **private** housing management agents in the eventuality that these agents may be needed for **managing all, or part, of the housing administered by a public housing agency**; (ii) petition for the appointment **of a receiver** (which may be another public housing agency or a private management corporation) of the public housing agency ... (iii) require the [public housing] agency to make other arrangements acceptable to the Secretary ..." (Emphasis ours)

The above quotation of federal law imposes a clear mandatory directive to be followed by HUD. HUD must first declare a PHA in substantial default, in order to agree, authorize

and co-implement the privatization of the PHA's public housing program and/or projects.

The quoted phrase "notwithstanding any other provision of law or any contract for contributions", means that Congress' intention was to disregard any other provision of federal law and Annual Contributions Contract (ACC), in order for HUD to decide and/or agree to privatize the PHA's housing program or projects. Naturally, said decision by HUD to privatize, was conditioned by Congress when it mandated under 42 USCA 1437d(j)(3)(A), and under 24 CFR secs. 901.205, 601.210 and 901.215, as follows: "**Upon** the ocurrence of events or conditions that constitute a substantial default by a public housing agency..."

As noted earlier in this petition, the words and terms used by Congress in the United States Housing Act of 1937, and its implementing regulations, confer the PHA sole authority to manage, administer and operate its housing projects, except only

when HUD has previously declared the PHA in substantial default as required under 42 USCA sec. 1437d(j)(3)(A) (see App. D, page 88).

Under the Housing Act and its implementing regulations, the PHA is vested with specific operational and management tasks for the administration of the housing projects and programs which cannot be stripped by HUD without first declaring the PHA in substantial default. **This is the reason why Congress enacted the performance indicators, in order to enable HUD to assess the management performance of PHA's**. See 42 USCA sec. 1437d(j).

In U.S. v. Gaubert, 499 US 315, 322-325 (1991), this Honorable Court reaffirmed that the discretionary function exception under the FTCA "covers **only** acts that are discretionary in nature, acts that involve an element of judgment or choice... The requirement of judgment or choice **is not** satisfied if a federal statute, regulation, or policy specifically

prescribes a course of action for an employee to follow", because the employee has no rightfull option but to adhere to the directive." (Emphasis ours)

Because HUD's actions to enter into and co-implement the Privatization Agreement dated May 2, 1992, was contrary to the provisions of the United States Housing Act of 1937 and its implementing federal regulations, then it follows that the discretionary function exception under the FTCA does not provide shelter from liability to respondent.[6] Because HUD stripped the PRPHA of its tasks, functions and operations with respect to managing its housing projects and programs, as mandated under federal law and regulations, then it follows that HUD actions to enter into and co-implement the Privatization Agreement, were not based on policy or on a regulatory regime

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[6]This conclusion is strenghthened by the fact that the private agents are receiving financial lucrative profits from the use of public funds assigned by HUD for the managing of the PRPHA program and/or projects, although there is no authority under federal law for that action.

and therefore ran afoul of the Housing Act and its regulations.

The Court of Appeals summarily affirmed the district court's opinion and order and judgment, for substantially the same reasons made by the district court. Therefore, the reference herein made to the district court's rather succinct discussion of the discretionary function exception under the FTCA, is equally made to the Opinion and Judgment of the Court of Appeals for the First Circuit.

The district court held that "the actions taken by the Government's employees involved the exercise of discretion which were based upon consideration of public policy." See App. C, page 75. Said conclusion was repeated by the district court on at least two ocassions. See App. C, pages 78, 79.

But the district court did not cite or quoted any federal law, regulation, guideline or written policy by which to sustain its conclusion. In other words, the district court concluded that HUD's action to enter into and co-implement the Privatization Agreement was an exercise of discretion based on public policy,

but the district court failed to cite or quote the specific legal written policy basis to support this conclusion.

This Honorable Court should be aware of the fact that at the time of the Privatization Agreement, there was no federal law or regulation, guideline or written policy, in which it authorized or gave discretion to HUD to enter into and co-implement a Privatization Agreement of the PHA's housing program or projects.

In U.S. v. Gaubert, 111 S. Ct. 1267, 1275-1276 (1991), this Court held that "[f]or a complaint to survive a motion to dismiss, it must allege facts which would support a finding that the challenged actions **are not the kind of conduct that can be said to be grounded in the policy of the regulatory regime..."** Gaubert, supra, also held that the "decision we review was entered on a motion to dismiss. We therefore accept **all** of the factual allegations in [Gaubert's] **complaint as true** and ask whether the allegations state a claim sufficient to

survive a motion to dismiss". Id.

Because there was no written policy regarding the privatization of the management and operations of the PHA's housing program and/or projects, except when HUD has previously declared the PHA in substantial default under 42 USCA 1437d(j)(3)(A), then it follows that HUD's actions to enter into and co-implement the Privatization Agreement were not discretionary in nature and therefore did not involve an element of judgment or choice. Thus, the discretionary function exception under the FTCA is inapplicable.

C. THE COURT OF APPEALS DECIDED AN IMPORTANT QUESTION OF FEDERAL LAW CONTRARY TO SUPREME COURT AUTHORITY

In FDIC v. Meyer, 114 S. Ct. 996, 1001 (1994), this Honorable Court outlined the six (6) elements that must be alleged in a complaint for a claim to be actionable under the FTCA (28 USCA sec. 1346(b)). The district court went on to

create a new additional element, requiring that petitioners "must still show that they are the beneficiaries of the statute or regulation and that there are similar circumstances where a private party would be held liable". See App. C, page 83. The Court of Appeals affirmed this conclusion. See App. B, page 66.

FDIC v. Meyer, supra, does not require that petitioners must be the intended beneficiaries of the United States Housing Act of 1937.

Also, as required under the FTCA, petitioners alleged in the complaint[7] that the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission ocurred. The law of the place where the act or omission ocurred are Articles 1802 and 1803 of the Puerto Rico Civil Code (App. D, pages 88-90), and the Law on

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[7]Under Rule 12(b)(6) of the Fed. R. Civ. P., all factuals allegations in the complaint are considered as true. See Gaubert, supra, pages 324-325, 327.

Claims and Suits against the Commonwealth of Puerto Rico. (App. D, pages 90-91).

The Court of Appeals held that in any event, "the absence of a comparable cause of action against a private individual precludes FTCA liability here" (see App. B, page 66). But under Article 1803 of the Puerto Rico Civil Code (App. D, pages 89-90), it is stated in pertinent part as follows: "The obligation imposed by section 5141 [Article 1802] of this title is demandable, not only for personal acts or omissions, but also for those of the persons for whom they should be responsible....**The Commonwealth [of Puerto Rico] is liable in this sense under the same circumstances and conditions as those under which a private citizen would be liable**."

Under such local provisions, the United States, if a private person, would have been held liable for the acts or omissions incurred as stated and explained in petitioner's complaint and memorandum of law opposing respondent's

motion to dismiss.

VI. CONCLUSION

This petition for a writ of certiorari should be granted.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this November 21, 1997.

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IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1997

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

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IN THE SUPREME COURT OF THE UNITED STATES

MANUEL GONZALEZ FIGUEROA, AND THE OTHER PETITIONERS IDENTIFIED BELOW PETITIONERS	*CIVIL NO.*
VS.	*CERTIORARI*
UNITED STATES OF AMERICA RESPONDENT	

LIST OF PETITIONERS

	DATE CLAIM FILED WITHIN HUD	*/TRANSFERRED / DEMOTED OR/ LAYOFF*	*/EMPLOYEE STATUS*
1. Jorge Antonio González Nuñez	*6/31/94*	*Layoff*	*Tenured*
2. José M. Guzman Miranda	*6/31/94*	*Layoff*	*Tenured*
3. Nazario Santiago Vazquez	*6/31/94*	*Layoff*	*Tenured*
4- Julio Valencia Figueroa	*6/31/94*	*Layoff*	*Tenured*
5- Cornelio Rodriguez	*6/31/94*	*Layoff*	*Tenured*

Vega			
6- William Olivera Lugo	*6/31/94*	*Layoff*	*Tenured*
7- Victor Torres Santiago	*6/31/94*	*Layoff*	*Tenured*
8- Luis A. Negrón Negron	*6/31/94*	*Layoff*	*Tenured*
9- Enrique Román Candelario	*6/31/94*	*Layoff*	*Tenured*
10- Ivonne Quiñones Echevarria	*6/31/94*	*Layoff*	*Tenured*
11- Norma Echevarria Lugo	*6/31/94*	*Layoff*	*Tenured*
12- Eduviges Alcantaron Gomez	*6/31/94*	*Layoff*	*Tenured*
13- Nilsa I. Colón Santiago	*6/31/94*	*Layoff*	*Tenured*
14- Americo Bonilla	*6/31/94*	*Layoff*	*Tenured*
15- Luis López Rodriguez	*6/31/94*	*Layoff*	*Tenured*
16- Jesús Medina Lopez	*6/31/94*	*Layoff*	*Tenured*
17- Eugenio	*6/31/94*	*Layoff*	*Tenured*

Santiago Rivera

18- Crimilda Fond	*6/31/94*	*Layoff*	*Tenured*
19- Praxedes Pimentel Rodriguez	*6/31/94*	*Layoff*	*Tenured*
20- Raúl Texeira Carmona	*6/31/94*	*Layoff*	*Tenured*
21- Guillermo Mercado Gonzáiez	*6/31/94*	*Layoff*	*Tenured*
22- Wilson Santiago Figueroa	*6/31/94*	*Layoff*	*Tenured*
23- Nilda Soler Quiridongo	*6/31/94*	*Layoff*	*Tenured*
24- Tomás Montalvo Rosa	*6/31/94*	*Layoff*	*Tenured*
25- José M. Ruiz Vasquez	*6/31/94*	*Layoff*	*Tenured*
26- Abelardo Vargas Martínez	*6/31/94*	*Layoff*	*Tenured*
27- Luis M. Yambo Candelario	*6/31/94*	*Layoff*	*Tenured*
28- Nelson Santiago Cuevas	*6/31/94*	*Layoff*	*Tenured*
29- Juan Molina	*6/31/94*	*Layoff*	*Tenured*

Velázquez			
30- Héctor Luis Nieves Quiñones	*6/31/94*	*Layoff*	*Tenured*
31- Josué Ramos Garcia	*6/31/94*	*Layoff*	*Tenured*
32- Jesús M. Rivera Cintrón	*6/31/94*	*Layoff*	*Tenured*
33- Damián Santiago Colón	*6/31/94*	*Layoff*	*Tenured*
34- Ángel Manuel Alago Ramirez	*6/31/94*	*Layoff*	*Tenured*
35- Jerónimo Morales Morales	*6/31/94*	*Layoff*	*Tenured*
36- Edwin Feliciano Rivera	*6/31/94*	*Layoff*	*Tenured*
37- Sixta D. Garcia Rivera	*6/31/94*	*Layoff*	*Tenured*
38- Mirian González Aponte	*6/31/94*	*Layoff*	*Tenured*
39- Sonia E. Miranda Meléndez	*6/31/94*	*Layoff*	*Tenured*
40- José M. Santiago González	*6/31/94*	*Layoff*	*Tenured*

41- Elias Andrades Molina	*6/31/94*	*Layoff*	*Tenured*
42- Alfredo Calderon Romero	*6/31/94*	*Layoff*	*Tenured*
43- Santos L. Pagan Perales	*6/31/94*	*Layoff*	*Tenured*
44- Tomas Santiago González	*6/31/94*	*Layoff*	*Tenured*
45- Jorge Luis Arroyo Hatch	*6/31/94*	*Layoff*	*Tenured*
46- Ana Hilda Rivera González	*6/31/94*	*Layoff*	*Tenured*
47- Miguel A. Colón González	*6/31/94*	*Layoff*	*Tenured*
48- Reynaldo Vázquez Santiago	*6/31/94*	*Layoff*	*Tenured*
49- Jorge Nieves Rodríguez	*6/31/94*	*Layoff*	*Tenured*
50- Ana M. Ramos Ayala	*6/31/94*	*Layoff*	*Tenured*
51- Gilberto Casillas Casillas	*6/31/94*	*Layoff*	*Tenured*
52- Wilma Waleska González Ramos	*6/31/94*	*Layoff*	*Tenured*

53- Zoraida Pérez Colón	*6/31/94*	*Layoff*	*Tenured*
54- Luis González Ortiz	*6/31/94*	*Layoff*	*Tenured*
55- Miriam Castro TenuredVargas	*6/31/94*	*Layoff*	
56- Alonso Figueroa Rodriguez	*6/31/94*	*Layoff*	*Tenured*
57- Edivuges Erazo Cruz	*6/31/94*	*Layoff*	*Tenured*
58- Gloria E. Rivera Sánchez	*6/31/94*	*Layoff*	*Tenured*
59- Julia Milagros Ortega Arce	*6/31/94*	*Layoff*	*Tenured*
60- Modesto TenuredRivera Rivera	*6/31/94*	*Layoff*	
61- Ismael Román TenuredRamos	*6/31/94*	*Layoff*	
62- Maria T. Benitez Batista	*6/31/94*	*Layoff*	*Tenured*
63- Héctor Mejias Bruno	*6/31/94*	*Transferred*	*Tenured*
64- Leonardo Rijos Cruz	*6/31/94*	*Layoff*	*Tenured*

65- Angel Luis Castro Alvarez	*6/31/94*	*Layoff*	*Tenured*
66- Francisco Pérez Vázquez	*6/31/94*	*Layoff*	*Tenured*
67- Roberto Sabater Torres	*6/31/94*	*Layoff*	*Tenured*
68- Jesús Miranda García	*6/31/94*	*Layoff*	*Tenured*
69- Julio Cesar Camacho Rosaly	*6/31/94*	*Layoff*	*Tenured*
70- Francisco Ramos Ramos	*6/31/94*	*Layoff*	*Tenured*
71- Marta Dinorah Torres Torres	*6/31/94*	*Layoff*	*Tenured*
72- Nelly Ramos Ortiz	*6/31/94*	*Layoff*	*Tenured*
73- Carmen Nigaglioni Chardón	*6/31/94*	*Layoff*	*Tenured*
74- Norma I. Rivera Torres	*6/31/94*	*Layoff*	*Tenured*
75- Santiago de Jesús Justiniano	*6/31/94*	*Layoff*	*Tenured*
76- Fredeswinda	*6/31/94*	*Layoff*	*Tenured*

Pérez Vázquez			
77- Antonia Figueroa Rivera	*6/31/94*	*Layoff*	*Tenured*
78- Angel Piña López	*6/31/94*	*Layoff*	*Tenured*
79- Andrés Irizarry Yambó	*6/31/94*	*Layoff*	*Tenured*
80- Altagracia Ortiz Dessús	*6/31/94*	*Layoff*	*Tenured*
81- Cruz E. Jinorio Montañez	*6/31/94*	*Layoff*	*Tenured*
82- Carmen Torres Vázquez	*6/31/94*	*Layoff*	*Tenured*
83- Juana L. Santana Rivera	*6/31/94*	*Layoff*	*Tenured*
84- Ramón L. Toro Torres	*6/31/94*	*Layoff*	*Tenured*
85- Alejandro Pagán Torres	*6/31/94*	*Layoff*	*Tenured*
86- Ramona Alcántaro Gómez	*6/31/94*	*Layoff*	*Tenured*
87- Juan B. Quiroz Almodovar	*6/31/94*	*Layoff*	*Tenured*
88- Nereida Díaz	*6/31/94*	*Layoff*	*Tenured*

Albertorio			
89- Zaida Cruz Garcia	*6/31/94*	*Layoff*	*Tenured*
90- Jesús Pérez Echevarria	*6/31/94*	*Layoff*	*Tenured*
91- Carmen I. Medina Rodríguez	*6/31/94*	*Layoff*	*Tenured*
92- Edgardo L. Ruiz Diaz	*6/31/94*	*Layoff*	*Tenured*
93- Cesar Colón Rodríguez	*6/31/94*	*Layoff*	*Tenured*
94- Angel L. Torres Santiago	*6/31/94*	*Layoff*	*Tenured*
95- Eduardo Cabrera Rodríguez	*6/31/94*	*Layoff*	*Tenured*
96- Juana M. Lugo Cruz	*6/31/94*	*Layoff*	*Tenured*
97- Fernando Baerga Rodríguez	*6/31/94*	*Layoff*	*Tenured*
98- Francisco Vázquez Santiago	*6/31/94*	*Layoff*	*Tenured*
99- Carmen Margarita Albino Pagán	*6/31/94*	*Layoff*	*Tenured*

100- José A. Pacheco López	*6/31/94*	*Layoff*	*Tenured*
101- Rosa Salgado Vélez	*6/31/94*	*Layoff*	*Tenured*
102- Wanda D. Vasallo Echevarría	*6/31/94*	*Layoff*	*Tenured*
103- María del C. Santiago Dávila	*6/31/94*	*Layoff*	*Tenured*
104- Gregorio Martínez Parrilla	*6/31/94*	*Layoff*	*Tenured*
105- Damaris Aguiar Gotay	*6/31/94*	*Layoff*	*Tenured*
106- Gregorio Molina Santana	*6/31/94*	*Layoff*	*Tenured*
107- Marianita Rosario Rosario	*6/31/94*	*Layoff*	*Tenured*
108- Jorge M. Nazario Ríos	*6/31/94*	*Layoff*	*Tenured*
109- Johnny Castro Carrión	*6/31/94*	*Layoff*	*Tenured*
110- Elsa Awilda Cintrón Sánchez	*6/31/94*	*Layoff*	*Tenured*
111- Vanessa Cruz Ramos	*6/31/94*	*Layoff*	*Tenured*

112- Jose Luis Verdejo Santos	*6/31/94*	*Layoff*	*Tenured*
113- Angel L. Nieves Nieves	*6/31/94*	*Layoff*	*Tenured*
114- Angel M. Oquendo Román	*6/31/94*	*Layoff*	*Tenured*
115- Wilfredo Valle Reyes	*6/31/94*	*Layoff*	*Tenured*
116- Aurea E. Floran Burgos	*6/31/94*	*Layoff*	*Tenured*
117- Jorge E. Rivera Calzada	*6/31/94*	*Layoff*	*Tenured*
118- Myrtha I. Guivas Arvelo	*4/29/94*	*Layoff*	*Tenured*
	5/9/94	*Layoff*	*Tenured*
119- Rafael Román Martinez	*5/9/94*	*Layoff*	*Tenured*
	4/29/94	*Layoff*	*Tenured*
120- Awilda López Rodriguez	*5/9/94*	*Layoff*	*Tenured*
121- Aida Rosario Marcial	*5/9/94*	*Layoff*	*Tenured*
122- Wilfredo Gonzalez Rios	*4/29/94*	*Layoff*	*Tenured*

123- Madeline Merced Alamo	*4/29/94*	*Layoff*	*Tenured*
124- Eduardo Maisonet Mena	*4/29/94*	*Layoff*	*Tenured*
125- Nilsa V. Figueroa Arroyo	*4/29/94*	*Layoff*	*Tenured*
126- Candido Castro Ortiz	*4/29/94*	*Layoff*	*Tenured*
127- Ramón Muñiz Ruiz	*4/29/94*	*Layoff*	*Tenured*
128- Ineabellis Carrero Velez	*4/29/94*	*Layoff*	*Tenured*
129- Haydee Filiberty Acosta	*4/29/94*	*Layoff*	*Tenured*
130- Ismael Padilla González	*4/29/94*	*Layoff*	*Tenured*
131- Myriam Rodriguez Rodriguez	*4/29/94*	*Layoff*	*Tenured*
132- Juan Lorenzo Perez	*4/29/94*	*Layoff*	*Tenured*
133- Carlos T. Vidal Echevarria	*4/29/94*	*Layoff*	*Tenured*
134- Ismael Lugo Lopez	*4/29/94*	*Layoff*	*Tenured*

135- Miriam E. Rivera Ramos	*4/29/94*	*Layoff*	*Tenured*
136- Norma I. Ruiz Rodriguez	*4/29/94*	*Layoff*	*Tenured*
137- Ramito Seda Oliveras	*4/29/94*	*Layoff*	*Tenured*
138- Samuel Segarra Quijano	*4/29/94*	*Layoff*	*Tenured*
139- Alberto Serrano Malave	*4/29/94*	*Layoff*	*Tenured*
140- William Soto Lopez	*4/29/94*	*Layoff*	*Tenured*
141- Norberto Tirado Velez	*4/29/94*	*Layoff*	*Tenured*
142- Eliud Torres Plaza	*4/29/94*	*Layoff*	*Tenured*
143- Anastacio Torres Santiago	*4/29/94*	*Layoff*	*Tenured*
144- Eliseo Troche Vega	*4/29/94*	*Demoted*	*Tenured*
145- Jose E. Pereira Carrero	*4/29/94*	*Layoff*	*Tenured*
146- Anasteria	*4/29/94*	*Layoff*	*Tenured*

Perez Laracuente			
147- Alfredo Perez Morales	*4/29/94*	*Layoff*	*Tenured*
148- Heriberto Perez Rosado	*4/29/94*	*Layoff*	*Tenured*
149- Francis N. Perez Soto	*4/29/94*	*Layoff*	*Tenured*
150- Alfonso Vazquez Cruz	*4/29/94*	*Layoff*	*Tenured*
151- Roberto Vega Rosado	*4/29/94*	*Layoff*	*Tenured*
152- Ada C. Velez Crespo	*4/29/94*	*Layoff*	*Tenured*
153- Sonia B. Velez de Scott	*4/29/94*	*Layoff*	*Tenured*
154- Dowan M. Velez Nieves	*4/29/94*	*Layoff*	*Tenured*
155- Carmen Lydia Velez Torres	*4/29/94*	*Layoff*	*Tenured*
156- Roberto Vega Valentin	*4/29/94*	*Layoff*	*Tenured*
157- Candida Zambrana Padilla	*4/29/94*	*Layoff*	*Tenured*

158- Reinaldo Romero Ruiz	*4/29/94*	*Layoff*	*Tenured*
159- Nelsa N. Ruiz Rodriguez	*4/29/94*	*Layoff*	*Tenured*
160- Jose M. Santiago Rivera	*4/29/94*	*Layoff*	*Tenured*
161- Ruben Morales Quintana	*4/29/94*	*Layoff*	*Tenured*
162- Doris N. Quiñonez Rivera	*4/29/94*	*Layoff*	*Tenured*
163- Carlos Almodovar Quiñonez	*4/29/94*	*Layoff*	*Tenured*
164- Maria A. Rodriguez Castillo	*4/29/94*	*Layoff*	*Tenured*
165- Efrain Rodriguez Cortes	*4/29/94*	*Layoff*	*Tenured*
166- Ildefonso Rodriguez Diaz	*4/29/94*	*Layoff*	*Tenured*
167- Antonio Rodriguez Morales	*4/29/94*	*Layoff*	*Tenured*
168- Wenceslao Rodriguez Rivera	*4/29/94*	*Layoff*	*Tenured*
169- Eunice Rodriguez Ruiz	*4/29/94*	*Layoff*	*Tenured*

170- Monserrate Roldan Valentin	*4/29/94*	*Layoff*	*Tenured*
171- Ismael Roman Nieves	*4/29/94*	*Layoff*	*Tenured*
172- Cristobalina Ramirez Crespo	*4/29/94*	*Layoff*	*Tenured*
173- Edgardo Ramirez Suarez	*4/29/94*	*Layoff*	*Tenured*
174- Emma I. Ramos Cruz	*4/29/94*	*Layoff*	*Tenured*
175- Wilfredo Reyes Bobe	*4/29/94*	*Layoff*	*Tenured*
176- Gloria M. Rivera Flores	*4/29/94*	*Layoff*	*Tenured*
177- Luis Rivera Ramaza	*4/29/94*	*Layoff*	*Tenured*
178- Joaquin Feliciano Hernández	*4/29/94*	*Layoff*	*Tenured*
179- Robert Figueroa Feliciano	*4/29/94*	*Layoff*	*Tenured*
180- Onesimo Oriol Lopez	*4/29/94*	*Layoff*	*Tenured*
181- Gladys Ortiz Albino	*4/29/94*	*Layoff*	*Tenured*

182- Milagros Padilla Torres	*4/29/94*	*Layoff*	*Tenured*
183- Sonia Lopez Padin	*4/29/94*	*Layoff*	*Tenured*
184- Carlos Lopez Ramirez	*4/29/94*	*Layoff*	*Tenured*
185- Ileana Lopez Sanchez	*4/29/94*	*Layoff*	*Tenured*
186- Adalberto Llaurador Leandri	*4/29/94*	*Layoff*	*Tenured*
187- Emerita Malave de Afanador	*4/29/94*	*Layoff*	*Tenured*
188- Alejandro Martínez Ortiz	*4/29/94*	*Layoff*	*Tenured*
189- Carmen D. Martínez Roldán	*4/29/94*	*Layoff*	*Tenured*
190- Celso Millan Vega	*4/29/94*	*Layoff*	*Tenured*
191- Ramón Morales Aquino	*4/29/94*	*Layoff*	*Tenured*
192- Emilia García Martir	*4/29/94*	*Layoff*	*Tenured*
193- Carmen González Mercado	*4/29/94*	*Layoff*	*Tenured*

194- Virginia González Soto	*4/29/94*	*Layoff*	*Transitory*
195- José M. González Troche	*4/29/94*	*Layoff*	*Tenured*
196- Carlos David Torres Marcial	*4/29/94*	*Layoff*	*Tenured*
197- Eladio Morales Soto	*4/29/94*	*Layoff*	*Tenured*
198- Lavinia J. Muñiz Torres	*4/29/94*	*Layoff*	*Tenured*
199- Tomasita Nieves Rivera	*4/29/94*	*Layoff*	*Tenured*
200- Elba I. Nuñez Ruiz	*4/29/94*	*Layoff*	*Tenured*
201- Maria Olmo Rodríguez	*4/29/94*	*Layoff*	*Tenured*
202- Gilberto Orench Cardona	*4/29/94*	*Layoff*	*Tenured*
203- Iris Delia Pacheco Astacio	*4/29/94*	*Layoff*	*Tenured*
204- Luis E. Martínez Denizard	*4/29/94*	*Layoff*	*Tenured*
205- Josue Guadalupe Martinez	*4/29/94*	*Layoff*	*Tenured*

206- Daniel Guzman Sepulveda	*4/29/94*	*Layoff*	*Tenured*
207- Luis Felipe Heredia Nieves	*4/29/94*	*Layoff*	*Tenured*
208- Porfirio Hilerio Valentin	*4/29/94*	*Layoff*	*Tenured*
209- Santos Justiniano Oliveras	*4/29/94*	*Layoff*	*Tenured*
210- Josue Lopez Cruz	*4/29/94*	*Layoff*	*Tenured*
211- Guillermo Cordero Torres	*4/29/94*	*Layoff*	*Tenured*
212- Italia Correa Echevarria	*4/29/94*	*Layoff*	*Tenured*
213- Maria E. Cortes Feliciano	*4/29/94*	*Layoff*	*Tenured*
214- Jaime Castillo González	*4/29/94*	*Layoff*	*Tenured*
215- Luis A. Crespo Yulfo	*4/29/94*	*Layoff*	*Tenured*
216- José A. Estrada Figueroa	*4/29/94*	*Layoff*	*Tenured*
217- Myrna	*4/29/94*	*Layoff*	*Tenured*

Domenech Santiago			
218- Alice Garcia Ayala	*4/29/94*	*Layoff*	*Tenured*
219- Vanessa A. Medina Campos	*4/29/94*	*Layoff*	*Tenured*
220- Hector Acevedo Perez	*4/29/94*	*Layoff*	*Tenured*
221- Gregory Agosto Agosto	*4/29/94*	*Layoff*	*Tenured*
222- Andaleska Barreto Castillo	*4 29 94*	*Layoff*	*Tenured*
223- María De L. Braulio Pecunia	*4 29 94*	*Layoff*	*Tenured*
224- Miriam Carrero Rodriguez	*4 29 94*	*Layoff*	*Tenured*
225- Yolanda Castillo Velez	*4 29 94*	*Layoff*	*Irregular*
226- Luz Nereida Valentin González	*4 29 94*	*Layoff*	*Tenured*
227- Juanita Caraballo Cedeño	*4 29 94*	*Layoff*	*Tenured*
228- Rosa L. Hernández Rivera	*4/29/94*	*Layoff*	*Tenured*

229- Carmen S. Abreu Aldarondo	*4/29/94*	*Layoff*	*Tenured*
230- José Mercado González	*4/29/94*	*Layoff*	*Tenured*
231- Enrique Caban Lebron	*4/29/94*	*Layoff*	*Tenured*
232- Abigail Santiago Roman	*4/29/94*	*Layoff*	*Tenured*
233- José H. Rivera Lopez	*4/29/94*	*Layoff*	*Tenured*
234- Gladys Rodriguez Valentin	*4/29/94*	*Layoff*	*Tenured*
235- Gloria Morales Rivera	*4/29/94*	*Layoff*	*Transitory*
236- Ana R. Otero Vazquez	*4/29/94*	*Layoff*	*Tenured*
237- Tommy A. Zapata Ruscalleda	*4/29/94*	*Layoff*	*Tenured*
238- Angel L. Pagan Rivera	*4/29/94*	*Layoff*	*Tenured*
239- José Rivera Caraballo	*4/29/94*	*Layoff*	*Tenured*
240- Ricardo Bello Garcia	*4/29/94*	*Layoff*	*Tenured*

241- Wilson Crespo Perez	*4/29/94*	*Layoff*	*Tenured*
242- Hector L. Cruz Alvarez	*4/29/94*	*Layoff*	*Tenured*
243- Emerita Desa Peña	*4/29/94*	*Layoff*	*Tenured*
244- Nereida Feliciano Acevedo	*4/29/94*	*Layoff*	*Tenured*
245- Antonio Hilerio Valentin	*4/29/94*	*Layoff*	*Tenured*
246- Ruth E. Ramos de Toledo	*4/29/94*	*Layoff*	*Tenured*
247- Gloria Rivera Muñiz	*4/29/94*	*Layoff*	*Tenured*
248- Ernesto Abrahante Garcia	*4/29/94*	*Layoff*	*Tenured*
249- Luz M. Nieves Rodriguez	*4/29/94*	*Layoff*	*Tenured*
250- José A. Astacio Flores	*4/29/94*	*Layoff*	*Tenured*
251- Rosaline Estevez Gomez	*4/29/94*	*Layoff*	*Tenured*
252- Wanda I. Torres Baez	*4/29/94*	*Layoff*	*Tenured*

253- Efrain Alvarez Morales	*4/29/94*	*Layoff*	*Tenured*
254- Marta Vazquez Vazquez	*4/29/94*	*Layoff*	*Tenured*
255- Orlando Rivera Negrón	*4/29/94*	*Layoff*	*Tenured*
256- Nancy P. Maldonado Santiago	*4/29/94*	*Layoff*	*Tenured*
257- Gilberto Carrillo Cintron	*4/29/94*	*Demoted*	*Tenured*
258- Ramonita M. Rivera Rodriguez	*4/29/94*	*Layoff*	*Tenured*
259- Maria M. Rodriguez Daleccio	*4/29/94*	*Layoff*	*Tenured*
260- Sinencio Figueroa Colón	*4/29/94*	*Layoff*	*Tenured*
261- Alberto Sanchez Alvarado	*4/29/94*	*Layoff*	*Tenured*
262- Jaime A. Laboy Ramos	*4/29/94*	*Layoff*	*Tenured*
263- Jaime A. Rios Rivera	*4/29/94*	*Layoff*	*Tenured*
264- Eva D. Martinez de Jordan	*4/29/94*	*Layoff*	*Tenured*

265- Migdalia Rodríguez Negron	*4/29/94*	*Layoff*	*Tenured*
266- Pedro Nieves Rosado	*4/29/94*	*Layoff*	*Tenured*
267- Carmen González Barbot	*4/29/94*	*Layoff*	*Tenured*
268- Ana L. Crescioni Rodríguez	*4/29/94*	*Layoff*	*Tenured*
269- Luis Rafael Rivera Rivera	*4/29/94*	*Layoff*	*Tenured*
270- Edwin Torres Sanchez	*4/29/94*	*Layoff*	*Tenured*
271- Julio Ortiz Martínez	*4/29/94*	*Layoff*	*Tenured*
272- Ulises R. Valdivieso Colón	*4/29/94*	*Layoff*	*Tenured*
273- José J. Vazquez	*4/29/94*	*Layoff*	*Tenured*
274- David Torres Colón	*4/29/94*	*Layoff*	*Tenured*
275- Maria E. Maldonado Torres	*4/29/94*	*Layoff*	*Tenured*
276- Ernesto Laboy Ramos	*4/29/94*	*Layoff*	*Tenured*

277- Eustaquio Vazquez Torres	*4/29/94*	*Layoff*	*Temured*
278- Carlos H. Santiago Luna	*4/29/94*	*Layoff*	*Temured*
279- Maria de L. Torres Rivera	*4/29/94*	*Layoff*	*Temured*
280- Gladys P. Rodriguez Olivera	*4/29/94*	*Layoff*	*Temured*
281- Wanda I. Vazquez Santell	*4/29/94*	*Layoff*	*Temured*
282- Victor Berrios Rivera	*4/29/94*	*Layoff*	*Temured*
283- Domingo Colón Colón	*4/29/94*	*Layoff*	*Temured*
284- Eduardo David Alvarado	*4/29/94*	*Layoff*	*Temured*
285- Ines Labiosa Miranda	*4/29/94*	*Layoff*	*Temured*
286- José A. Ramos Rodríguez	*4/29/94*	*Layoff*	*Temured*
287- Rosa Perez Pitre	*4/29/94*	*Layoff*	*Temured*
288- Lydia M. Rivera Torres	*4/29/94*	*Layoff*	*Temured*

289- Miguel A. Escalante	*4/29/94*	*Layoff*	*Tenured*
290- Angel L. Rosado Virella	*4/29/94*	*Layoff*	*Tenured*
291- Bienvenido Adorno Garcia	*4/29/94*	*Layoff*	*Tenured*
292- Maria Luisa Pabon Parrilla	*4/29/94*	*Layoff*	*Tenured*
293- Juana Ruiz Garcia	*4/29/94*	*Layoff*	*Tenured*
294- Ydsia Salas Rosa	*4/29/94*	*Layoff*	*Tenured*
295- Diana I. Sanchez Figueroa	*4/29/94*	*Layoff*	*Tenured*
296- Portalina Sanfeliz Ortiz	*4/29/94*	*Layoff*	*Tenured*
297- Maria Santiago Casillas	*4/29/94*	*Layoff*	*Tenured*
298- Guillermo Santiago González	*4/29/94*	*Layoff*	*Tenured*
299- Manuel A. Santiago Del Valle	*4/29/94*	*Layoff*	*Tenured*
300- Maria Santiago De Sanchez	*4/29/94*	*Layoff*	*Tenured*

301- Jacinta Santiago Cotto	*4/29/94*	*Layoff*	*Tenured*
302- Ada R. Santos Rosado	*4/29/94*	*Layoff*	*Tenured*
303- Ada Ruth Sosa Miussenden	*4/29/94*	*Demoted*	*Tenured*
304- Maria V. Soto Morales	*4/29/94*	*Layoff*	*Tenured*
305- Luzzette M. Sotomayor Cacho	*4/29/94*	*Transferred*	*Tenured*
306- Alberto Hans Stolle	*4/29/94*	*Layoff*	*Tenured*
307- Manuel Torrens Mercado	*4/29/94*	*Layoff*	*Tenured*
308- Carlos M. Torres Rodriguez	*4/29/94*	*Layoff*	*Tenured*
309- Margarita Torrez Buzo	*4/29/94*	*Layoff*	*Tenured*
310- Maria E. Torres Calaff	*4/29/94*	*Layoff*	*Tenured*
311- Luisa Torres Rodriguez	*4/29/94*	*Layoff*	*Tenured*
312- Josefina Trinidad Ramos	*4/29/94*	*Layoff*	*Tenured*

313- Dolores Trinidad Rosa	*4/29/94*	*Layoff*	*Tenured*
314- Juan Troche Rodriguez	*4/29/94*	*Layoff*	*Tenured*
315- Felix Vargas Rivera	*4/29/94*	*Layoff*	*Tenured*
316- Pedro Vargas Burgos	*4/29/94*	*Layoff*	*Tenured*
317- Nereida Vazquez Martinez	*4/29/94*	*Demoted*	*Tenured*
318- Paula Vera Cortes	*4/29/94*	*Layoff*	*Tenured*
319- Edwin Velez Ruiz	*4/29/94*	*Layoff*	*Tenured*
320- Providencia Velez Perez	*4/29/94*	*Layoff*	*Tenured*
321- Octavio Velez Delgado	*4/29/94*	*Layoff*	*Tenured*
322- Rosa M. Vicente Carbonell	*4/29/94*	*Transferred*	*Tenured*
323- Ramon Vicenty Martinez	*4/29/94*	*Layoff*	*Tenured*
324- Pedro Villafañe Acosta	*4/29/94*	*Layoff*	*Tenured*

325- Samuel Davila Cid	*4/29/94*	*Demoted*	*Tenured*
326- Eusebio Diaz Flores	*4/29/94*	*Layoff*	*Tenured*
327- Cristina I. Brown Nieves	*4/29/94*	*Layoff*	*Tenured*
328- Nancy Rodriguez Alvarado	*4/29/94*	*Layoff*	*Tenured*
329- Maria M. Galan Matos	*4/29/94*	*Layoff*	*Tenured*
330- Dolores Fuentes Colon	*4/29/94*	*Layoff*	*Tenured*
331- Sandy Llorens Ubarri	*4/29/94*	*Layoff*	*Tenured*
332- Gladys Mabel Sotomayor Rios	*4/29/94*	*Layoff*	*Tenured*
333- Faustino Rivera Medina	*4/29/94*	*Layoff*	*Tenured*
334- Luis M. Cherena Quiles	*4/29/94*	*Layoff*	*Tenured*
335- Justo Figueroa Perales	*4/29/94*	*Layoff*	*Tenured*
336- Felix R. Berrios Morales	*4/29/94*	*Layoff*	*Tenured*

337- Gladys Rivera Alcazar	*4/29/94*	*Layoff*	*Temured*
338- Santos Segarra Camacho	*4/29/94*	*Layoff*	*Temured*
339- Ismael Meléndez de Jesús	*4/29/94*	*Layoff*	*Temured*
340- Diego Perez Pillot	*4/29/94*	*Layoff*	*Temured*
341- Jose R. Leon Rodriguez	*4/29/94*	*Layoff*	*Temured*
342- Migdalia Castro Ramos	*4/29/94*	*Layoff*	*Temured*
343- Juan E. Martinez Dauo	*4/29/94*	*Layoff*	*Tenured*
344- Antonio E. Figueroa Valle	*4/29/94*	*Layoff*	*Temured*
345- Antionio Rivera González	*4/29/94*	*Demoted*	*Temured*
346- Angel M. Rodriguez Torres	*4/29/94*	*Layoff*	*Temured*
347- Rafaela Rivera Lozano	*4/29/94*	*Layoff*	*Temured*
348- Carmen M. Vazquez Lozano	*4/29/94*	*Layoff*	*Tenured*

349- Angel Luis Laboy Cosme	*4/29/94*	*Layoff*	*Tenured*
350- Jesús Pizarro Romero	*4/29/94*	*Layoff*	*Tenured*
351- Maria T. Orozco Soler	*4/29/94*	*Layoff*	*Tenured*
352- Maria Parrilla Conde	*4/29/94*	*Layoff*	*Tenured*
353- Lilliam Pares Calle	*4/29/94*	*Transferred*	*Tenured*
354- Alfredo Pardo Brea	*4/29/94*	*Layoff*	*Tenured*
355- Dolly Pagan Morales	*4/29/94*	*Layoff*	*Tenured*
356- Juan F. Otero Colón	*4/29/94*	*Layoff*	*Tenured*
357- Mary Luz Ortiz Santana	*4/29/94*	*Layoff*	*Tenured*
358- Alma Ortiz Delgado	*4/29/94*	*Demoted*	*Tenured*
359- Juan A. Ortiz Sanchez	*4/29/94*	*Layoff*	*Tenured*
360- Flor Ortiz Dones	*4/29/94*	*Layoff*	*Tenured*

361- Angel Vazquez Ortiz	4/29/94	Layoff	Tenured
362- Angel L. Mojica Perez	4/29/94	Layoff	Tenured
363- Isabel C. Diaz Rexach	4/29/94	Layoff	Tenured
364- Ana E. Aponte Jiménez	4/29/94	Layoff	Tenured
365- Myrna M. Rexach Medina	4/29/94	Layoff	Tenured
366- Andres Vega Benitez	4/29/94	Layoff	Tenured
367- Hector M. Lozada Ortiz	4/29/94	Layoff	Tenured
368- Miguel Ramos Albelo	4/29/94	Layoff	Tenured
369- Federico Cadis Rosario	4/29/94	Transferred	Tenured
370- Donato Pantojas Martínez	4/29/94	Layoff	Tenured
371-Francisco Landron Pabon	4/29/94	Layoff	Tenured
372- Ramon Santa Pagan	4/29/94	Layoff	Tenured

373- Luis Roman Castro Martes	*4/29/94*	*Layoff*	*Tenured*
374- Heroilda Felton Plaza	*4/29/94*	*Layoff*	*Tenured*
375- Maria H. Berrios Rivera	*4/29/94*	*Layoff*	*Tenured*
376- Carmen J. Rodriguez Cedres	*4/29/94*	*Layoff*	*Tenured*
377- Roberto Mercado Rosso	*4/29/94*	*Demoted*	*Tenured*
378- Federico Ortiz Berrios	*4/29/94*	*Layoff*	*Tenured*
379- William Sanchez Perez	*4/29/94*	*Layoff*	*Tenured*
380- Lourdes Otero Diaz	*4/29/94*	*Layoff*	*Tenured*
381- Aida Rosa Ramos Velazco	*4/29/94*	*Transferred*	*Tenured*
382- Eva H. Rivera Rodriguez	*4/29/94*	*Layoff*	*Tenured*
383- Maximo Cruz Cosme	*4/29/94*	*Layoff*	*Tenured*
384- Carlos A. Gual Alicea	*4/29/94*	*Layoff*	*Tenured*

385- Domingo Hernández Martinez	4/29/94	Layoff	Tenured
386- Manuel Silva Maysonet	4/29/94	Layoff	Tenured
387- Migdalia Otero Loubriel	4/29/94	Layoff	Tenured
388- Norma I. Lorenzo Colombani	4/29/94	Transferred	Tenured
389- Alberto Trabal Alicea	4/29/94	Layoff	Tenured
390- Naida S. Perez Ramirez	4/29/94	Layoff	Tenured
391- Gladys Cancel Soto	4/29/94	Layoff	Tenured
392- Ferdinand O. Carlo Cordero	4/29/94	Layoff	Tenured
393- Confesor Rodriguez Perez	4/29/94	Layoff	Tenured
394- Roberto Rodriguez Amaro	4/29/94	Layoff	Tenured
395- Mayra Lopez Martinez	4/29/94	Layoff	Tenured
396- Sandra E. Calderon Rodriguez	4/29/94	Layoff	Tenured

397- José M. Morales Garcia	*4/29/94*	*Layoff*	*Tenured*
398- Antonio Garcia Gil	*4/29/94*	*Layoff*	*Tenured*
399- Cesar Luis Cintron Silva	*4/29/94*	*Layoff*	*Tenured*
400- Ramón A. Ayala Reguero	*4/29/94*	*Layoff*	*Tenured*
401- José I. Martinez Molina	*4/29/94*	*Layoff*	*Tenured*
402- Ramonita Tapia Ramos	*4/29/94*	*Layoff*	*Tenured*
403- Edwin Suarez Matos	*4/29/94*	*Layoff*	*Tenured*
404- Dimari Escalera Cruz	*4/29/94*	*Layoff*	*Tenured*
405- Hilda A. Rodriguez Diaz	*4/29/94*	*Layoff*	*Tenured*
406- Virginia Santana Laureano	*4/29/94*	*Layoff*	*Tenured*
407- Irma E. Ruiz de Osorio	*4/29/94*	*Layoff*	*Tenured*
408- Trudon Ruiz Davila	*4/29/94*	*Layoff*	*Tenured*

409- Gilberto Ruiz Morales	*4/29/94*	*Layoff*	*Tenured*
410- Elba Rosado Moulier	*4/29/94*	*Demoted*	*Tenured*
411- Magali Ronda Ramirez	*4/29/94*	*Layoff*	*Tenured*
412- Miriam I. Romero Alicea	*4/29/94*	*Layoff*	*Tenured*
413- Rosa Roman Ortiz González	*4/29/94*	*Layoff*	*Tenured*
414- Maria E. Román Cortes	*4/29/94*	*Layoff*	*Tenured*
415- Eliezer Roman Astacio	*4/29/94*	*Layoff*	*Tenured*
416- Haydee Rodriguez Valentin	*4/29/94*	*Layoff*	*Tenured*
417- Rosa A. Rodriguez Bonilla	*4/29/94*	*Layoff*	*Tenured*
418- Awilda Rodriguez Dominguez	*4/29/94*	*Transferred*	*Tenured*
419- Ana J. Rodriguez Prado	*4/29/94*	*Layoff*	*Tenured*
420- Tomasita Rodriguez Torres	*4/29/94*	*Layoff*	*Tenured*

421- Francisco Rodriguez Ojeda	*4/29/94*	*Layoff*	*Tenured*
422- Ramón L. Rodriguez Ramos	*4/29/94*	*Layoff*	*Tenured*
423- Sulmeneida Rodriguez Rodrgz.	*4/29/94*	*Layoff*	*Tenured*
424- Ramón Rodriguez Mojica	*4/29/94*	*Layoff*	*Tenured*
425- Yolanda Rodriguez Moralez	*4/29/94*	*Transferred*	*Tenured*
426- Doel Rodriguez Torres	*4/29/94*	*Layoff*	*Tenured*
427- Hilario Rodriguez Quiles	*4/29/94*	*Layoff*	*Tenured*
428- Gilberto Rodriguez Otero	*4/29/94*	*Layoff*	*Tenured*
429- José A. Rivera Garcia	*4/29/94*	*Layoff*	*Tenured*
430- Romulo Rivera Malpica	*4/29/94*	*Layoff*	*Tenured*
431- Diana Rivera Rivera	*4/29/94*	*Layoff*	*Tenured*
432- Olga Rivera Serrano	*4/29/94*	*Demoted;*	*Tenured*

433- Dahlma Rivera Cruz	*4/29/94*	*Transferred Demoted Transferred*	*Tenured*
434- Maria D. Rivera Garcia	*4/29/94*	*Layoff*	*Tenured*
435- Saulo Rivera Rivera	*4/29/94*	*Layoff*	*Tenured*
436- Maria Rivera Santiago	*4/29/94*	*Transferred*	*Tenured*
437- Sandra M. Rivera Santiago	*4/29/94*	*Layoff*	*Tenured*
438- Brigido Rivera Cruz	*4/29/94*	*Layoff*	*Tenured*
439- Edwin Rive Velez	*4/29/94*	*Layoff*	*Tenured*
440- Norma Rios Cruz	*4/29/94*	*Layoff*	*Tenured*
441- Julio Rios Ayala	*4/29/94*	*Layoff*	*Tenured*
442- Julio Nazario Sepulveda	*4/29/94*	*Layoff*	*Tenured*
443- Lilliam I. Resto Ortiz	*4/29/94*	*Layoff*	*Tenured*

444- Saturnino Rios Febres	*4/29/94*	*Layoff*	*Tenured*
445- José Luzunaris Martínez	*4/29/94*	*Layoff*	*Tenured*
446- José I. Rivera Ramos	*4/29/94*	*Layoff*	*Tenured*
447- Maria Del C. Portela Roman	*4/29/94*	*Layoff*	*Tenured*
448- Dinelia Martinez Vega	*4/29/94*	*Layoff*	*Tenured*
449- Luz Salgado González	*4/29/94*	*Layoff*	*Tenured*
450- Samuel Frances Martinez	*4/29/94*	*Layoff*	*Tenured*
451- Eduardo Oliver Noriega	*4/29/94*	*Layoff*	*Tenured*
452- Edwin Garcia Gracia	*4/29/94*	*Layoff*	*Tenured*
453- Robinson Martinez Arzola	*4/29/94*	*Layoff*	*Tenured*
454- Eleuteria TenuredSoto Garcia	*4/29/94*	*Layoff*	
455- Norma I. Acevedo Villalobos	*4/29/94*	*Demoted;*	*Tenured*

456- William Acevedo Muñiz	*4/29/94*	*Transferred Layoff*	*Tenured*
457- Heddy E. Alejandro	*4/29/94*	*Layoff*	*Tenured*
458- Maria S. Allende Bravo	*4/29/94*	*Demoted; Transferred*	*Tenured*
459- Gladys Arroyo Bula	*4/29/94*	*Layoff*	*Tenured*
460- Patricio Badillo Blas	*4/29/94*	*Layoff*	*Tenured*
461- Rafael Baez Puras	*4/29/94*	*Demoted*	*Tenured*
462- Alba D. Beachamp Diaz	*4/29/94*	*Layoff*	*Tenured*
463- Juan A. Benitez Rodriguez	*4/29/94*	*Layoff*	*Tenured*
464- Maria J. Benitez Colon	*4/29/94*	*Layoff*	*Tenured*
465- Wilma Berrios Robles	*4/29/94*	*Layoff*	*Tenured*
466- Aida Betancourt Marquez	*4/29/94*	*Transferred*	*Tenured*

467- Manuel Blazquez Soto	*4/29/94*	*Layoff*	*Tenured*
468- Miguel A. Bonano Monell	*4/29/94*	*Layoff*	*Tenured*
469- Freyte Caban Ortiz	*4/29/94*	*Layoff*	*Tenured*
470 Lygia Cardona Cardona	*4/29/94*	*Layoff*	*Tenured*
471- Ana Ruth Cartagena Morales	*4/29/94*	*Demoted*	*Tenured*
472- Andres Casanova Santiago	*4/29/94*	*Layoff*	*Tenured*
473- Hilda Cepeda Vazquez	*4/29/94*	*Transferred*	*Tenured*
474- Jaime Cintron Rodriguez	*4/29/94*	*Layoff*	*Tenured*
475- Jose Colon Anglada	*4/29/94*	*Layoff*	*Tenured*
476- Regino Colon Nieves	*4/29/94*	*Demoted; Transferred*	*Tenured*
477- Myrta Colon Negron	*4/29/94*	*Layoff*	*Tenured*
478- Francisco	*4/29/94*	*Layoff*	*Tenured*

Cruz Padro			
479- Linda E. Cruz Rivera	*4/29/94*	*Layoff*	*Tenured*
480- Petra Cruz Jimenez	*4/29/94*	*Transferred*	*Tenured*
481- Nelly Curet Perez	*4/29/94*	*Layoff*	*Tenured*
482- Juan de Armas Figueroa	*4/29/94*	*Layoff*	*Tenured*
483- Rafael de Jesus Melendez	*4/29/94*	*Transferred*	*Tenured*
484- Maria Julia de Jesus Alicea	*4/29/94*	*Layoff*	*Tenured*
485- Lydia Raquel de Leon	*4/29/94*	*Transferred*	*Tenured*
486- Pablo Delgado Amaro	*4/29/94*	*Layoff*	*Tenured*
487- Edwin Diaz Rosado	*4/29/94*	*Layoff*	*Tenured*
488- Tomas Diaz Olmeda	*4/29/94*	*Transferred*	*Tenured*
489- Carmen M. Diaz Rivera	*4/29/94*	*Layoff*	*Tenured*

490- Jaime Diaz Hernández	*4/29/94*	*Layoff*	*Tenured*
491- David F. Diaz Lopez	*4/29/94*	*Layoff*	*Tenured*
492- Rosario Felicier de la Cruz	*4/29/94*	*Layoff*	*Tenured*
493- Elizabeth Feliciano Freytes	*4/29/94*	*Layoff*	*Tenured*
494- Quino Feliciano Rodríguez	*4/29/94*	*Layoff*	*Tenured*
495- Rosa Figueroa Alvarado	*4/29/94*	*Demoted; Transferred*	*Tenured*
496- Gladys Figueroa Cruz	*4/29/94*	*Layoff*	*Tenured*
497- Florencio Forestier Borrero	*4/29/94*	*Layoff*	*Tenured*
498- Antonia Galarza Irizarry	*4/29/94*	*Layoff*	*Tenured*
499- Gabriel García Galarza	*4/29/94*	*Layoff*	*Tenured*
500- Eladio García Serrano	*4/29/94*	*Layoff*	*Tenured*
501- Julio García	*4/29/94*	*Layoff*	*Tenured*

Loubriel			
502- María H. García Bermudez	*4/29/94*	*Layoff*	*Temured*
503- Roberto García Parrilla	*4/29/94*	*Demoted*	*Temured*
504- Victor H. García Maldonado	*4/29/94*	*Layoff*	*Temured*
505- Manuel González Figueroa	*4/29/94*	*Demoted*	*Temured*
506- Monserrate González Camacho	*4/29/94*	*Layoff*	*Tenured*
507- Lilliam González Rivera	*4/29/94*	*Transferred*	*Temured*
508- Carmen E. González Castro	*4/29/94*	*Layoff*	*Temured*
509- Ramón A. González Rios	*4/29/94*	*Layoff*	*Temured*
510- Sonia González Dominguez	*4/29/94*	*Layoff*	*Temured*
511- Mitchell Green Tricoche	*4/29/94*	*Layoff*	*Tenured*
512- Myrna Guzmán Martínez	*4/29/94*	*Layoff*	*Temured*

513- José M. Hernández Guzmán	*4/29/94*	*Layoff*	*Tenured*
514- Manuel De J. Irizarry Burgos	*4/29/94*	*Layoff*	*Tenured*
515- Neil Jackson Pizarro	*4/29/94*	*Layoff*	*Tenured*
516- Jose Orlando Lopez Torres	*4/29/94*	*Layoff*	*Tenured*
517- Eva Lopez Irizarry	*4/29/94*	*Layoff*	*Tenured*
518- Enid Lopez Sepulveda	*4/29/94*	*Layoff*	*Tenured*
519- Zenaida Lopez Valentin	*4/29/94*	*Layoff*	*Tenured*
520- Eduardo LuiggiCalcerrada	*4/29/94*	*Demoted; Transferred*	*Tenured*
521- Wilfredo Maldonado Delgado	*4/29/94*	*Layoff*	*Tenured*
522- Elsa L. Mangual Ramirez	*4/29/94*	*Layoff*	*Tenured*
523- Roberto Marin Garcia	*4/29/94*	*Layoff*	*Tenured*
524- Rosalinda	*4/29/94*	*Layoff*	*Tenured*

Martinez Vazquez			
525- Elizabeth Martinez Garcia	*4/29/94*	*Layoff*	*Tenured*
526- Juana Martinez Garcia	*4/29/94*	*Layoff*	*Tenured*
527- Ana Martinez Rosario	*4/29/94*	*Layoff*	*Tenured*
528- Ruben Martinez Nazario	*4/29/94*	*Layoff*	*Tenured*
529- Lydia E. Matos Del Toro	*4/29/94*	*Layoff*	*Tenured*
530- Santa Medina Lugo	*4/29/94*	*Layoff*	*Tenured*
531- Dionisio Medina Ruiz	*4/29/94*	*Layoff*	*Tenured*
532- Daudy Melendez Castro	*4/29/94*	*Transferred*	*Tenured*
533- Alicia Melendez Arroyo	*4/29/94*	*Layoff*	*Tenured*
534- Matilde Melendez Ramos	*4/29/94*	*Layoff*	*Tenured*
535- Luis A. Melendez Parrilla	*4/29/94*	*Layoff*	*Tenured*

536- Mario Melendez Cuadrado	4/29/94	Demoted	Tenured
537- Ana Sylvia Mendez Perez	4/29/94	Layoff	Tenured
538- Migdalia Mercado Parsons	4/29/94	Layoff	Tenured
539- Olga Miranda de Figueroa	4/29/94	Transferred	Tenured
540- Justino Miranda Rodriguez	4/29/94	Layoff	Tenured
541- Jose L. Molina de la Rosa	4/29/94	Layoff	Tenured
542- Carlos E. Monge Jimenez	4/29/94	Layoff	Tenured
543- Maria E. Montañez Perez	4/29/94	Layoff	Tenured
544- Carmen G. Mora Silverio	4/29/94	Layoff	Tenured
545- Bernardo Morales Cintron	4/29/94	Layoff	Tenured
546- Luz Maria Morales Galarza	4/29/94	Layoff	Tenured
547- Naida Navarro Cordero	4/29/94	Transferred	Tenured

548- Maria C. Negron Cucurella	*4/29/94*	*Demoted; Transferred*	*Tenured*
49- Jose L. Nieves Rodriguez	*4/29/94*	*Layoff*	*Tenured*
550- Angel M. Nieves Ruiz	*4/29/94*	*Layoff*	*Tenured*
551- Jaime F. Oliver Frias	*4/29/94*	*Layoff*	*Tenured*
552- Angel M. Olmeda Borrero	*4 29 94*	*Layoff*	*Tenured*
553- Jose A. Oquendo Garcet	*4 29 94*	*Demoted*	*Tenured*
554- Julio Ortega Candelaria	*4 29 94*	*Demoted; Transferred*	*Tenured*
555- Carmen R. Perez Flores	*4/29/94*	*Demoted*	*Tenured*
556- Gloria C. Perez Reyes	*4/29/94*	*Demoted; Transferred*	*Tenured*
557- Andres Perez Ortiz	*4/29/94*	*Layoff*	*Tenured*
558- Gladys E. Perez Hernández	*4/29/94*	*Transferred*	*Tenured*

559- Eneida Perez Diaz	*4/29/94*	*Layoff*	*Tenured*
560- Eduardo Quiñones Hernández	*4/29/94*	*Layoff*	*Tenured*
561- Olga Quiñones Rivera	*4/29/94*	*Layoff*	*Tenured*
562- Valentin Quiñones Marrero	*4/29/94*	*Demoted*	*Tenured*
563- Loyda L. Ramirez Esquilin	*4/29/94*	*Layoff*	*Tenured*
564- Rosa Ramirez Barbot	*4/29/94*	*Layoff*	*Tenured*
565- Angela Ramos de Rosaly	*4/29/94*	*Demoted; Transferred*	*Tenured*
566- Lilliam Ramos Rodriguez	*4/29/94*	*Layoff*	*Tenured*
567- Josue Rentas Hernández	*4/29/94*	*Demoted; Transferred*	*Tenured*
568- Santiago Quiñonez Vazquez	*4/29/94*	*Layoff*	*Tenured*
569- Odalisca Acosta Collazo	*4/29/94*	*Layoff*	*Tenured*

570- Eva L. Gaston Whatts	*4/29/94*	*Layoff*	*Tenured*
571- Marjorie Soto Ramos	*4/29/94*	*Layoff*	*Tenured*
572- Sandra L. Fuentes Romero	*7/15/94*	*Layoff*	*Tenured*
573- Ivone Quiñonez De Rodriguez	*7/15/94*	*Layoff*	*Tenured*
574- Sonia Cintrón Rodriguez	*7/15/94*	*Layoff*	*Tenured*
575- Hector Nieves Feliciano	*7/15/94*	*Layoff*	*Tenured*
576- Roberto Cruz Velez	*7/15/94*	*Layoff*	*Tenured*
577- Luis A. Rodriguez Lugo	*7/19/94*	*Layoff*	*Irregular*
578- Bienvenido Ruiz	*7/19/94*	*Layoff*	*Tenured*
579- Nilda Mercado Santos	*7/19/94*	*Layoff*	*Tenured*
580- Victor Caquias Garcia	*7/19/94*	*Layoff*	*Tenured*
581- José R. Medina Ginel	*7/19/94*	*Layoff*	*Tenured*

582- Nylda G. Candelario de Maldonado	*7/19/94*	*Layoff*	*Tenured*
583- Wilfredo Morales Garriga	*7/19/94*	*Layoff*	*Tenured*
584- Miguel Angel Rodriguez Rivera	*7/19/94*	*Layoff*	*Tenured*
585- Roberto Clemente Romero	*7/19/94*	*Layoff*	*Tenured*
586- Ana Maria Guzmán Nieves	*6/9/94*	*Layoff*	*Tenured*
587- Olga Vazquez Alvarado	*6 9/94*	*Layoff*	*Tenured*
588- Elisa López Plana	*6/9/94*	*Layoff*	*Tenured*
589- Efrain Cotto Nevarez	*6/9/94*	*Layoff*	*Tenured*
590- Wilfredo Monzón Algarin	*6/9/94*	*Layoff*	*Tenured*
591- Aleida Delgado Lasanta	*6/9/94*	*Layoff*	*Tenured*
592- Maria E. Cartagena Figueroa	*6/9/94*	*Layoff*	*Tenured*
593- Edwin Arroyo Rivera	*6/9/94*	*Layoff*	*Tenured*

594- Luis A. López Santiago	*6/9/94*	*Layoff*	*Tenured*
595- Ismael Cazul Aquino	*6/9/94*	*Layoff*	*Tenured*
596- Juan Ramón Ortiz	*6/9/94*	*Layoff*	*Tenured*
597- Gloria M. Colón Rodriguez	*6/9/94*	*Layoff*	*Tenured*
598- Carmen Ortolaza González	*6/9/94*	*Layoff*	*Tenured*
599- Nelsón Cordero Maldonado	*6/9/94*	*Layoff*	*Tenured*
600- Maria del C. Román Nieves	*6/9/94*	*Layoff*	*Tenured*
601- Carmelo Rodriguez Velázquez	*6/9/94*	*Layoff*	*Tenured*
602- Luz M. O'Neill Toledo	*6/9/94*	*Layoff*	*Tenured*
603- Ana M. Barbosa Concepción	*6/9/94*	*Layoff*	*Tenured*
604- Pedro Martinez Ortiz	*6/9/94*	*Layoff*	*Tenured*
605- Juan F. Vives Villodas	*6/9/94*	*Layoff*	*Tenured*

606- Maria Teresa Morales Cruz	*6/9/94*	*Layoff*	*Tenured*
607- Carmenza Ramírez Sánchez	*6/9/94*	*Layoff*	*Tenured*
608- Eddie Morera Rivera	*6/9/94*	*Layoff*	*Tenured*
609- Sonia M. Torres Torres	*5/2/94*	*Layoff*	*Tenured*
610- Antonia Cruz Cruz	*5/2/94*	*Layoff*	*Tenured*
611- Antonio Flores Collazo	*5/2/94*	*Layoff*	*Tenured*
612- José Luis Ortiz Rodriguez	*5/2/94*	*Layoff*	*Tenured*
613- Monserrate Rivera Hernández	*5/2/94*	*Layoff*	*Tenured*
614- Bienvenido Pérez Meléndez	*5/2/94*	*Layoff*	*Tenured*
615- Antonio Rosario González	*5/2/94*	*Layoff*	*Tenured*
616- Juan Perez Merced	*5/2/94*	*Layoff*	*Tenured*
617- Amelia González Montañez	*5/2/94*	*Layoff*	*Tenured*

618- María M. Santiago Saldaña	*5/2/94*	*Layoff*	*Tenured*
619- Carlos Ivan Nieves Caraballo	*5/2/94*	*Layoff*	*Tenured*
620- Carmen J. Jimenez Santiago	*5/2/94*	*Layoff*	*Tenured*
621- Luz M. Quiñones Figueroa	*5/2/94*	*Layoff*	*Tenured*
622- Evelyn Vázquez Guadalupe	*5/2/94*	*Layoff*	*Tenured*
623- Rafael Morales Acevedo	*5/2/94*	*Layoff*	*Tenured*
624- Pilar Morales Santiago	*5/2/94*	*Layoff*	*Tenured*
625- Cruz María Pérez Alicea	*5/2/94*	*Layoff*	*Tenured*
626- Agustín Sánchez Morales	*5/2 94*	*Layoff*	*Tenured*
627- Eva Rosa Ramos	*5/2/94*	*Layoff*	*Tenured*
628- Mayda Adorno Cabrera	*5/2/94*	*Layoff*	*Tenured*
629- José de Diego Cabrera Baez	*5/2/94*	*Layoff*	*Tenured*

630- Angel L. Figueroa Soto	*5/2/94*	*Layoff*	*Tenured*
631- Rosalina Cruz Hernández	*6/14/94*	*Layoff*	*Tenured*
632- Rey Francisco del Valle	*6/14/94*	*Layoff*	*Tenured*
633- Fernando Acosta Cuevas	*6/14/94*	*Layoff*	*Tenured*
634- Diviana Rosa Garcia	*6/14/94*	*Layoff*	*Tenured*
635- Lorenzo Nieves Ortega	*6/14/94*	*Layoff*	*Tenured*
636- Margarita Cruz Rivera	*6/14/94*	*Layoff*	*Tenured*
637- Marilyn Rivera Huertas	*6/14/94*	*Layoff*	*Tenured*
638- Migdalia Rivera Cotto	*6/14/94*	*Layoff*	*Tenured*
639- Haydeé Matias Delgado	*6/14/94*	*Layoff*	*Tenured*
640- Carmen V. Burgos González	*6/14/94*	*Layoff*	*Tenured*
641- Juan Tañon	*6/14/94*	*Layoff*	*Tenured*

642- Norma I. Ramirez Mangual	*6/14/94*	*Layoff*	*Tenured*
643- Asunción Martinez Rodriguez	*6/14/94*	*Layoff*	*Tenured*
644- Ana M. Ortiz Rojas	*6/14/94*	*Layoff*	*Tenured*
645- Ruth E. Cruz Garcia	*6/14/94*	*Layoff*	*Tenured*
646- Iris B. Arroyo Merced	*6/14/94*	*Layoff*	*Tenured*
647- Wanda Velazquez Lizardi	*5/20/94*	*Layoff*	*Tenured*
648- Ana Iris Borges Flores	*5/20/94*	*Layoff*	*Tenured*
649- Manuel A. Santos Hernández	*5/20/94*	*Transferred*	*Tenured*
650- Milagros Pérez Díaz	*5/20/94*	*Transferred*	*Tenured*
651- Romana Torres Crespo	*5/20/94*	*Layoff*	*Tenured*
652- Natalia Rivera González	*5/20/94*	*Layoff*	*Tenured*
653- Ineabelle Martinez Santos	*5/20/94*	*Layoff*	*Tenured*

654- José O. Rivera Ayala	*5/20/94*	*Layoff*	*Tenured*
655- Rafael Rodriguez Colón	*5/20/94*	*Layoff*	*Tenured*
656- Tomás León Torres	*5/20/94*	*Layoff*	*Tenured*
657- Luis A. Torres Rosario	*5/20/94*	*Layoff*	*Tenured*
658- Osvaldo Ruiz Pérez	*5/20/94*	*Layoff*	*Tenured*
659- Luz E. Agosto Reyes	*5/20/94*	*Layoff*	*Tenured*
660- Maria M. Cotto de Jesús	*5/20/94*	*Layoff*	*Tenured*
661- Evelyn Suarez Martinez	*5/20/94*	*Layoff*	*Tenured*
662- Maria N. Burgos Torres	*5/20/94*	*Layoff*	*Tenured*
663- José A. Muler Rodriguez	*5/20/94*	*Layoff*	*Tenured*
664- Claudio Peña Correa	*5/20/94*	*Layoff*	*Tenured*
665- Altagracia	*5/20/94*	*Layoff*	*Tenured*

Díaz Martínez			
666- Angel L. Pérez Agosto	*5/20/94*	*Layoff*	*Tenured*
667- Elena López Rivera	*5/20/94*	*Layoff*	*Tenured*
668- William J. Bonilla	*5/20/94*	*Layoff*	*Tenured*
669- José Luis Colón	*7/8/94*	*Layoff*	*Tenured*
670- Luis Piñeiro Olivares	*7/8/94*	*Layoff*	*Tenured*
671- Carlos R. Muñiz Colón	*7/8/94*	*Layoff*	*Tenured*
672- Luz Nilda Torres Rodríguez	*7/8/94*	*Layoff*	*Tenured*
673- Juan R. Romero Cortijo	*7/8/94*	*Layoff*	*Tenured*
674- Leonides Moya Morales	*7/8/94*	*Layoff*	*Tenured*
675- Bernardino Burgos Rodríguez	*7/8/94*	*Layoff*	*Tenured*
676- Julio López Hance	*7/8/94*	*Layoff*	*Tenured*
677- Victor Manuel	*7/8/94*	*Layoff*	*Tenured*

Rios Santana			
678- Mildred Mercado Torres	*7/8/94*	*Layoff*	*Tenured*
679- Nilda Ramos Vega	*7/8/94*	*Layoff*	*Tenured*
680- Heriberto Vega Rivera	*7/8/94*	*Layoff*	*Tenured*
681- Norma I. Martinez Cedeño	*7/8/94*	*Layoff*	*Tenured*
682- Zoraida Olan Iglesias	*7/8/94*	*Layoff*	*Tenured*
683- Antonio Irizarry Caraballo	*7/8/94*	*Layoff*	*Tenured*
684- Pedro A. López González	*7/8/94*	*Layoff*	*Tenured*
685- Alberto Mateo Santiago	*7/8/94*	*Layoff*	*Tenured*
686- Adrian Cruz Quiñonez	*7/8/94*	*Layoff*	*Tenured*
687- Carlos Garcia Colón	*7/8/94*	*Layoff*	*Tenured*
688- Myriam Sequi Figueroa	*7/8/94*	*Layoff*	*Tenured*

689- Edwin Cornier Ortiz	*7/8/94*	*Layoff*	*Tenured*
690- José Luis Laboy Lugo	*7/8/94*	*Layoff*	*Tenured*
691- Narda L. Febo Rodriguez	*7/8/94*	*Layoff*	*Tenured*
692- Francisca Janet Melendez Colón	*7/8/94*	*Layoff*	*Tenured*
693- Restituto Arroyo Arce	*7/8/94*	*Layoff*	*Tenured*
694- Wilfredo Perea Tellado	*5/16/94*	*Layoff*	*Tenured*

UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

NO. 97-1370

MANUEL GONZALEZ FIGUEROA, ETC., ET AL.,
PLAINTIFFS, APPELLANTS,

V.

UNITED STATES OF AMERICA
DEFENDANT, APPELLEE,

JUDGMENT

ENTERED: SEPTEMBER 12, 1997

This cause came on to be submitted on the briefs and original record on appeal from the United States District Court for the District of Puerto Rico.

Upon consideration whereof, it is now here ordered, adjudged and decreed as follows: The judgment of the district court is summarily affirmed.

No costs.

By the Court:

Vincent F. Flanagan
Acting Clerk

By: Janice M. O'Neill
Chief Deputy
Clerk

[NOT FOR PUBLICATION]
UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

NO. 97-1370

MANUEL GONZALEZ-FIGUEROA, ET AL.,
PLAINTIFFS, APPELLANTS,

V.

UNITED STATES OF AMERICA
DEFENDANT, APPELLEE.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

[HON. DANIEL R. DOMINGUEZ, U.S.DISTRICT JUDGE]

Before
Selya, Circuit Judge,
Aldrich and Coffin, Senior Circuit Judges.

Jesus Hernandez Sanchez and Hernandez Sanchez Law Firm on brief for appellants.

Frank W. Hunger, Assistant Attorney General, Guillermo Gil, United States Attorney, Robert S. Greenspan and E. Roy Hawkens, Attorneys, Appellate Staff, United States Department of Justice, and Jacklyn L. Ringhausen, Associate Field Counsel, United States Department of Housing and Urban Development, on brief for appellee.

September 12, 1997

Per Curiam. The plaintiffs in this case, most of whom are former employees of the Puerto Rico Public Housing Administration (PRPHA), have been struggling since 1992 first to block, and now to secure money damages for, the privatization of certain aspects of the public housing program in Puerto Rico.[1] Their current initiative represents an effort to obtain damages under the Federal Tort Claims Act (FTCA), 28 USC sec. 1346 (b), 2671-2680 (1994). When the United States Department of Housing and Urban Development (HUD) denied their timely administrative claim, 28 USC sec. 2675, the plaintiffs filed suit in the district court and later amended their complaint. The government responded by filing a motion for dismissal. On February 25, 1997, the district court dismissed the plaintiffs' amended complaint for want of subject matter jurisdiction. See Gonzalez-Figueroa v. United States, No. 94-2761, 1997 WL 117750 (DPR Feb. 25, 1997) . This appeal

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[1]The underlying facts are limned in an earlier opinion of this court. See Acevedo-Villalobos v. Hernandez, 22 F. 3d 384, 385 (1st. Cir. 1994).

ensued.

We have carefully read the parties' briefs, evaluated their legal arguments, and studied the papers in the case. We conclude, on whole-record review, that this is a suitable case in which to act upon our long-held belief that "when a lower court produces a comprehensive, well-reasoned decision, an appellate court should refrain from writing at length to no other end than to hear its own words resonate." Lawton v. State Mut. Life Assur. Co. of Am., 101 F.3d 218, 220 (1st. Cir. 1996); accord In re San Juan Dupont Plaza Hotel Fire Litig., 989 F. 2d 36, 38 (1st. Cir. 1993). Hence, we affirm the judgment for substantially the reasons set forth in the lower court's discussion of the discretionary function exception to the FTCA. See Gonzalez-Figueroa, 1997 WL 117750, at *5-7. We add only a small coda.

It is not our role to pass judgment upon the wisdom (or lack of wisdom) of the housing policies which PRPHA and HUD have decided to follow. Rather, our role, in the context

of this appeal, is to determine only whether HUD (the federal agency involved) had the statutory authority to enter into the challenged agreement with PRPHA and whether it acted within the realm of its discretion when it exercised that authority. See Magee v. United States, no. 96-2357, 1997 WL 419551, at *3 (1st. Cir. July 31, 1997). Because these questions must be answered in the affirmative,[2] for the reasons already elucidated by the court below, the FTCA's discretionary function exception, 28 USC sec. 2680 (a), bars the maintenance of the plaintiffs' action. See Magee, 1997 WL 419551, at *3. After all, a complaint under the FTCA cannot survive a motion to dismiss if it alleges only the sort of statutory conduct that is plainly grounded in the policy imperatives of an applicable regulatory regime. See United States v. Gaubert, 499 US 315,

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[2]We have considered and rejected, as a matter of statutory interpretation, the plaintiffs' argument that, under 42 USC sec. 1437d(j)(3)(A), the Secretary of HUD was required to declare PRPHA in "substantial default" before entering into an agreement that permits privatization. The text of the statute simply will not bear the weight that the plaintiffs load upon it.

324-25 (1991); Berkovitz v. United States, 486 US 531, 536-37, (1988); United States v. Varig Airlines, 467 US 797, 814 (1984).

In any event, as the district court also recognized, Gonzalez-Figueroa, 1997 WL 117750, at *4, the absence of a comparable cause of action against a private individual precludes FTCA liability here.

We need go no further. The judgment below is summarily affirmed. See 1st. Cir. R. 27.1.

Affirmed. No costs.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

MANUEL GONZALEZ FIGUEROA, AND THE OTHER PLAINTIFFS IDENTIFIED IN APPENDIX A, WHICH IS MADE AN INTEGRAL PART OF THE CAPTION OF THIS CASE PLAINTIFFS.	*	**CIVIL NO. 94-2761 (DRD)**
V.	*	
UNITED STATES OF AMERICA DEFENDANT	*	

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JUDGMENT

For the reasons stated in the contemporaneously filed Memorandum Opinion,

IT IS ORDERED that Defendant United States of American's Motion to Dismiss is GRANTED:

IT IS FURTHER ORDERED that this action is DISMISSED.

At San Juan, Puerto Rico, this 25 day of February, 1997.

DANIEL R. DOMINGUEZ
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

MANUEL GONZALEZ FIGUEROA, AND THE OTHER PLAINTIFFS IDENTIFIED IN APPENDIX A, WHICH IS MADE AN INTEGRAL PART OF THE CAPTION OF THIS CASE PLAINTIFFS.	*	**CIVIL NO. 94-2761 (DRD)**
V.	*	
UNITED STATES OF AMERICA DEFENDANT	*	

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OPINION AND ORDER

Pending before the Court is Defendant's Motion to Dismiss Plaintiffs' Amended Complaint (Docket no. 9). The Court has reviewed the record (Plaintiffs Opposition at Dockets 6, 11, 12, and 14, and Defendant's Reply at Docket no. 15) and determines that, for the reasons set forth below, Defendant's Motion will be GRANTED and this action will be DISMISSED.

I.

In 1992, Plaintiffs, most of whom are former employees

of the Puerto Rico Public Housing Administration ("PRPHA"), brought suit to halt the privatization and decentralization of parts of the public housing program in Puerto Rico after being notified that, due to lack of work, they would be laid-off from their employment with the PRPHA, demoted, or transferred. Plaintiffs' 1992 complaint revolved around an Agreement ("Agreement") entered into between the United States Department of Housing and Urban Development ("HUD") and the PRPHA for the privatization of some of the functions of the PRPHA and for the decentralization of the public housing program.[1] Pursuant to the Agreement, the Commonwealth and HUD agreed to take certain actions in order to expedite the privatization of the management of federally funded public housing projects in Puerto Rico as well as the decentralization

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[1]The background facts have been stated in a decision by the District Court (Pieras J.), Gonzalez v. Hernandez, no. 92-1972, slip op., 1993 WL 52807, and in a decision by the First Circuit. Acevedo-Villalobos v. Hernandez, 22 F. 3d 384 (1st. Cir.), cert. denied, 115 S. Ct. 574 (1994). Those facts will not be repeated here.

of the PRPHA. See Acevedo-Villalobos v. Hernandez, 22 F. 3d 384, 385 (1st. Cir. 1994). Prior to entering into the Agreement, HUD had determined that the PRPHA was a troubled housing authority, and the PRPHA had entered into a Memorandum of Agreement ("MOA") with HUD.

On January 15, 1993, the District Court dismissed Plaintiffs' complaint. Gonzalez v. Hernandez, no. 92-1972, slip op., 1993 WL 52807 (DPR Jan. 15, 1993). Plaintiffs unsuccessfully appealed to the First Circuit Court of Appeals. Acevedo-Villalobos v. Hernandez, 22 F. 3d 384 (1st. Cir.), cert. denied, 115 S. Ct. 574 (1994). In 1994, Plaintiffs filed an administrative claim with HUD as required by the Federal Tort Claims Act. 28 USC sec. 2675. That claim was denied. Plaintiffs then filed the present lawsuit alleging negligence or wrongful conduct by HUD and relying for jurisdiction of this Court upon the Federal Tort Claims Act ("FTCA") codified at 28 USC sec. 1346(b) and secs. 2671-2680. Like the 1992 complaint, the allegations in the present amended complaint

revolve around the privatization decision and the MOA.[2] Plaintiffs' allegations can be summarized as follows: First, Plaintiff claim that HUD is liable to them because HUD had no right pursuant to federal statutes and regulations to enter into the Agreement. Second, Plaintiffs claim that HUD is liable to them because HUD could not alter the MOA without declaring the PRPHA in substantial default. Third, Plaintiffs allege that HUD failed to give them due process as required by Puerto Rico law.

II. STANDARD FOR A MOTION TO DISMISS

Federal Rule of Civil Procedure 12(b)(6) provides that a party may move the court to dismiss the case for failure to state a claim upon which relief can be granted. In analyzing a motion to dismiss, a court examines a complaint in the light

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[2]Although this Court is reluctant to characterize plaintiffs complaint as the trial court did in dismissing the original complaint because of failure "to provide the court with a clear idea of the contours of their claim," the instant complaint is not the paragon example of compliance with FRCP Rule 8(a) requirement of "a short and plain statement of the claims showing that the pleader is entitled to relief."

most favorable to a plaintiff. The standard provides that a court must accept as true all well-pleaded allegations within the complaint and indulge all reasonable inferences in favor of a plaintiff. See Brown v. Hot Sexy & Safer Prod. Inc., 68 F. 3d 525, 530 (1st. Cir. 1995), cert. denied, 116 S. Ct. 1044 (1966); Clark v. Kentucky Fried Chichen of Cal., Inc. 57 F. 3d 21, 22 n. 1 (1st. Cir. 1995). However, a court must draw a line at some point and not "credit bald assertions, periphrastic circumlocutions, or outright vituperation." Correa-Martinez v. Arrillaga-Belendez, 903 F. 2d 49, 52 (1st. Cir. 1990). Thus, a court should not dismiss a complaint for failure to state a claim unless it is clear that the plaintiff will be unable to prove any set of facts, included within the pleadings, which would entitle him to recovery Conley v. Gibson, 355 U.S. 41, 45-48 (1957).

III. SOVEREIGN IMMUNITY

It is well settled that the United States cannot be sued unless it has expressly waived its sovereign immunity and has consented to be sued. United States v. Sherwood, 312 U.S. 584

(1941). See also United States Department of Energy v. Ohio, 112 S. Ct. 1627 (1992); and U.S. v. Nordic Villlage Inc., 112 S. Ct. 1011 (1992). The Federal Tort Claims Act (FTCA), 28 USC sec. 1346(b), 2671-2680, waives the United States' sovereign immunity for certain torts. See United States v. Orleans, 425 U.S. 807, 813 (1976). The FTCA's waiver of sovereign immunity, however, is expressly limited and contains statutory exceptions. These limitation and statutory exceptions constitute retention of sovereign immunity, and federal courts lack subject matter jurisdiction to entertain claims falling within the limitations or the exceptions. Feyers v. United States, 749 F. 2d 1222, 1225 (6th Cir. 1984), cert. denied, 471 U.S. 1125 (1985).

One statutory exception to the FTCA is the discretionary function exception. 28 USC sec. 2680(a). "For a complaint to survive a motion to dismiss, it must allege facts which would support a finding that the challenged actions are not the kind of statutory conduct that can be said to be grounded in the policy

of the regulatory regime." United States v. Gaubert, 111 S. Ct. 1267, 1274-75 (1991). The United States Supreme Court has outlined a framework for analyzing the applicability of the discretionary function exception. See Gaubert, 111 S. Ct. 1267 (1991); Berkovitz v. United States, 486 U.S. 531 (1988); United States v. S.A. Empresa de Viaco Aerea Rio Grandense (Varig Airlines), 467 U.S. 797 (1984), and Dalehite v. United States, 346 U.S. 15 (1953).

First, the challenged conduct must be discretionary. Conduct is deemed discretionary when "an element of judgment or choice" is involved. Gaubert, 111 S. Ct. at 1273 (quoting Berkovitz, 486 U.S. at 536). The exception will not apply if a governmental employee violates a specific, mandatory directive, founded in a statute, regulation, or policy. Berkovitz, 486 U.S. at 536.

Second, if the conduct is deemed discretionary, courts must still determine whether the discretion exercised "is of the kind that the discretionary function exception was designed to

shield". Gaubert, 111 S. Ct. at 1273 (quoting Berkovitz, 486 U.S. at 536). The exception protects only actions and decisions based on considerations of public policy Berkovitz, 486 U.S. at 537. However, when a statute, regulation, or agency guideline "allows a Government agent to exercise discretion, it must be presumed that the agent's acts are grounded in policy when exercising that discretion." Gaubert, 111 S. Ct. at 1274. If the discretionary conduct is of the kind the exception was designed to shield, the exception applies even if negligence is alleged. Ayer v. United States, 902 F. 2d 1038, 1041 (1st. Cir. 1990).

In the present case, the actions taken by the Government's employees involved the exercise of discretion which were based upon considerations of public policy. The challenged actions involve HUD's decision to enter into the Agreement privatizing and decentralizing many of the functions performed by the troubled PRPHA and HUD's actions in assisting the PRPHA to implement the Agreement. Although PHA's are regulated by HUD, the statutes and regulations leave

much discretion with the Secretary. The Act also leaves to PHA's created by the states the maximum responsibility for the administration of their public housing program which includes development, ownership, and operation of the projects funded by HUD. 42 USC sec. 1437.

The law contemplates the creation of local housing authorities with the Secretary providing assistance as needed including providing technical assistance and cooperation, 42 USC sec. 3532(b), and financial assistance, 42 USC sec. 1437c and 3532(b). The Agreement at issue here was the result of an effort between the Commonwealth and HUD and for the purpose of improving the public housing program in Puerto Rico. See Appendix B and C.

Plaintiffs contention that HUD was precluded by statutes and regulations from entering into the Agreement because the PRPHA had not been declared in substantial default is without merit. Section 1437d(j)(3)(A) does not require the Secretary to find a PHA in substantial default before a PHA and HUD agree

to privatize any of the PHA's functions. See 42 USC sec. 1437d(j)(3)(A). This section merely states that the Secretary may order privatization, among other remedial measures, if a PHA is in substantial default. However, this section is inapplicable in this case because the PRPHA determined that privatization was in its best interest.[3] Plaintiffs also repeatedly allege that the MOA could not be altered without HUD first declaring the PRPHA in default. However, the Agreement recognizes that the MOA continues and provides that new MOA's will be negotiated when the new PHA's are created. In any event, there is nothing in 42 USC sec. 1437d(j)(2)(B) which precludes HUD and a PHA from amending a MOA or negotiating a new MOA. See also 42 USC sec. 1437c(f)

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[3]Plaintiffs' claim that the PRPHA was "ordered" to enter into the Agreement by HUD is belied by the affidavit Plaintiffs submitted as Appendix C. Although it is highly unlikely that Plaintiffs would even have standing to assert such a claim, the affidavit shows that the PRPHA's decision was voluntary. According to the affidavit, the PRPHA chose to enter into the Agreement to avoid an action by HUD to have the PRPHA placed in receivership.

(Subject to certain restrictions, the Secretary has broad authority to consent to the modification of any contract whenever he deems it neccesary or desirable). In carrying out a MOA, "[t]he Secretary and the [PHA] **shall**, to the maximum extent practicable, seek the assistance of...private entities...." 42 USC sec. 1437d(j)(2)(C) (emphasis added). None of the statutes or regulations Plaintiffs cite support their position that HUD violated nondiscretionary statutes or regulation. On the contrary, the statutes and regulations show the broad discretion which the Secretary's employees were exercising when they signed the Agreement.

The employes whose conduct is challenged in this lawsuit were exercising the kind of discretion that the discretionary function exception to the FTCA was designed to shield. The actions and decisions made by those employees involved considerations of public policy. The Agreement adopts two of many options which were available to help alleviate the problems of this troubled PHA. The actions which the

Agreement embodies are those which the parties believed would help attain the goals of the U. S. Housing Act. providing decent, safe, and sanitary low income housing. Thus, the decision to enter into and implement the Agreement rests squarely on considerations of social, economic, and public policy and the acts are within the discretionary function exception.

Since the claims in the present case fall within the discretionary function exception, the Court lacks subject matter jurisdiction under the FTCA.

IV. PRIVATE PERSON LIABILITY

However, Plaintiffs' complaint must be dismissed for yet another reason. District Courts have jurisdiction for civil actions against the United States for money damages for injury or loss of property caused by the negligent or wrongful act of a Government employee acting within the scope of employment, "under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred". 28 USC

sec. 1346(b). See also 28 USC sec. 2674. Plaintiffs fail to allege conduct for which a private person would be liable.

Plaintiffs fail to allege[4] any torts which are actionable under the FTCA. In holding that a constitutional tort claim is not cognizable under the FTCA, the Supreme Court in FDIC v. Meyer, 114 S. Ct. 996, 1001 (1994)(citations omitted), stated:

> [W]e have consistently held that § 1346(b)'s reference to the law of the place means law of the State--the source of substantive liability under the FTCA...By definition, federal law, not state law, provides the source of liability for a claim alleging the deprivation of a federal constitutional right.

Thus the FTCA waives sovereign immunity but only for torts created by state law and not federal law. See, e.g., Westbay Steel, Inc. v. United States, 970 F. 2d 648, 650 (9th Cir. 1992); Move v. U.S., 735 F. Supp. 179, 180 (EDNC 1990)

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[4]Although paragraph 4(g) states a claim for slander or misrepresentation, slander and misrepresentation are not actionable under the FTCA. 28 USC sec. 2680(h). Plaintiffs allegtions of violations of the Administrative Procedure Act ("APA"). Complaint at paragraph 4j, are barred since an APA claim was litigated or could have been litigated in Plaintiffs' previous lawsuit filed in 1992.

(FTCA does not create new causes of action, but merely imposes liability for torts already recognized under state law). It is insufficient to allege that merely because the Government may have violated a federal statute or regulation, the Government has been negligent and is liable under the FTCA. Rather, Plaintiffs must allege a claim based upon a tort recognized by the Commonwealth of Puerto Rico and for which a private person would be liable.

At times, the negligent performance of, or the failure to perform duties created in federal statutes and regulations may give rise to a claim under the FTCA, but only when "there are analogous duties under local tort law." Art Metal-USA, Inc. v. United States, 753 F 2d 1151, 1157 (DC Cir. 1985). See also Zabala Clemente v. United States, 567 F 2d 1140, 1149 (1st. Cir), cert. denied, 435 U.S. 1006 (1977). Plaintiffs cite to numerous statutes and regulatioms. However, none of the cited statutes or regulations create any duty on HUD which would inure to the Plaintiffs' benefit or which could serve as a basis for

a tort claim. Put into its simplest terms, Plaintiffs' amended complaint alleges merely that HUD is liable because HUD had no right pursuant to federal statutes and regulations to enter into and implement the Agreement or to change the MOA, and that HUD is liable because the PRPHA failed to give Plaintiffs due process pursuant to the Constitution, statutes, and regulations of Puerto Rico.

Plaintiffs' attempt to rely upon Puerto Rico statute 31 LPRA 5141 to show that a private person would be liable for the allegedly negligent or wrongful acts must be rejected. In Zabala, while noting that section 5141 appeared to create a broad basis for tort liability, the First Circuit rejected the argument that section 5141 was so broad as to not require the fundamental tort requirements such as a showing of duty. Zabala, 567 F 2d at 1143. "[E]ven where specific behavior of federal employees is required by federal statutes, liability to the beneficiaries of that statute may not be founded on the Federal Tort Claims Act if state law recognizes no comparable private

liability." Zabala, 567 F. d at 1149. It is insufficient that federal statutes or regulations may impose a duty to act. Plaintiffs must still show that they are the beneficiaries of the statute or regulations and that there are similar circumstances where a private party would be held liable.

V. PRIVATE RIGHT OF ACTION

Insofar as Plaintiffs' claims relating to the Agreement, Plaintiffs fail to state a claim actionable under the FTCA because HUD owed no duty to Plaintiffs. Plaintiffs are not the beneficiaries of the federal statutes and regulations which they alleged were violated. These statutes and regulations govern the relationship between HUD and public housing authorities. The Agreement under attack similarly governs this relationship. Plaintiffs have no private right of action under the U.S. Housing Act of 1937 including those sections which they allege created a duty. See Order Dismissing Complaint against HUD, footnote 6, American Federation of Public and Private Employees v. Commonwealth of Puerto

Rico, Civil no. 92-1948 (JAF).[5] Since Plaintiffs are not beneficiaries, HUD owed them no duty. Without a duty, there can be no tort liability.

VI. OTHER ALLEGATIONS OF LIABILITY

Plaintiffs' third claim, that HUD is liable because the PRPHA failed to give Plaintiffs due process pursuant to the Constitution, statutes, and regulations of Puerto Rico, also fails to allege an actionable tort because there is no duty owed to Plaintiffs. The statutes Plaintiffs attemp to rely upon do not create any duty owed to Plaintiffs by HUD. Rather, these statutes impose obligations upon the Commonwealth and its agencies.

Plaintiffs seek to hold HUD liable for the alleged negligent or wrongful acts of the PRPHA. However, the PRPHA, not HUD, was responsible for providing Plaintiffs the

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[5]This is yet another lawsuit brought by former employees of the PRPHA challenging the privatization. The lawsuit was dismissed as to HUD and remanded to a Puerto Rico court as to claims against the Commonwealth and the Housing Authority.

due process to which they were entitled. The Agreement does not shift to HUD the PRPHA's duties as imposed by Puerto Rico statutes or regulations. The Agreement only recognizes that certain positions will be eliminated and provides that those employees will receive the benefits "as provided by law". The funding of certain benefits was the only obligation HUD undertook which is relevant to this discussion. The Agreement does not evidence that HUD assumed any duties to Plaintiffs. See Muñiz v. National Can Corp., 737 F 2d 145 (1st. Cir. 1984). Any delay in notifying Plaintiffs of their layoffs or of providing hearings would be the sole responsibility of the PRPHA. Plaintiffs have failed to allege tortious conduct which would be actionable between private parties in Puerto Rico and, therefore, there is no waiver of sovereign immunity under the FTCA.

Plaintiffs have not alleged any tort actionable under the FTCA. Without the necessary of waiver of sovereign immunity, this Court lacks jurisdiction to hear the complaint, and it must

be dismissed.

IT IS SO ORDERED.

At San Juan, Puerto Rico, this 25 day of February, 1997.

DANIEL R. DOMINGUEZ
U.S. DISTRICT JUDGE

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1998

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

PROVISIONS OF STATUTES AND REGULATIONS INVOLVED IN THIS CASE

1. Federal statutes:

42 USCA sec. 1437d(j)(2)(B) (1992 Supplementary Phamplet):

"(B) The Secretary shall seek to enter into an agreement with each troubled public housing agency setting forth-

(i) targets for improving performances as measured by the performance indicators specified under paragraph (1) and other requirements within a specified period of time;

(ii) strategies for meeting such targets, including a description of the technical assistance that the Secretary will make available to the agency; and

(iii) incentives or sanctions for effective implementation of such strategies, which may include any constraints on the use of funds that the Secretary determines are appropriate.

The Secretry and the public housing agency shall, to the maximum extent practicable, seek the assistance of local public and private entities in carrying out the agreement."

42 USCA sec. 1437d(j)(3)(A) (1992 Supplementary Phamplet)

"(3)(A) Notwithstanding any other provision of law or of any contract for contributions, upon the occurrence of events or conditions that constitute a substantial default by a public housing agency with respect to the convenants or conditions to which the public housing agency is subject or an agreement entered into under paragraph (2), the Secretary may-

(i) solicit competitive proposals from other public housing agencies and private housing management agents in the eventuality that these agents may be needed for managing all, or part, of the housing administered by a public housing agency;

(ii) petition for the appointment of a receiver (which may be another public housing agency or a private management corporation) of the public housing agency to any district court of the United States or to any court of the State in which the real property of the public housing agency is situated, that is authorized to appoint a receiver for the purposes and having the powers prescribed in this subsection; and

(iii) require the agency to make other arrangements acceptable to the Secretary and in the best interests of the public housing residents for managing all, or part of, such housing."

2. Local statutes:

Article 1802 of the Puerto Rico's Civil Code, 31 LPRA sec. 5141:

"§ 5141. Obligation when damage caused by fault or negligence

A person who by an act or omission causes damage to another through fault or negligence shall be obliged to repair the

damages so done. Concurrent imprudence of the party aggrieved does not exempt from liability, but entails a reduction of the indemnity. -Civil Code, 1930, § 1802."

Article 1803 of the Puerto Rico Civil Code, 31 LPRA sec. 5142:

" § 5142. Liability for damages caused by minor, incapacitated person, employee, agent, pupil, or apprentice; liability of Commonwealth

The obligation imposed by section 5141 of this title is demandable, not only for personal acts and omissions, but also for those of the persons for whom they should be responsible.

The father, and, in the event of his death or incapacitation, the mother, is liable for the damage caused by the minor children living with them.

Guardians are liable for the damages caused by minors or incapacitated persons who are under their authority and live with them.

Owners or directors of an establishment or enterprise are likewise liable for any damages caused by their employees in the service of the branches in which the latter are employed or on account of their duties.

The Commonwealth is liable in this sense under the same circumstances and conditions as those under which a private citizen would be liable.

Finally, masters or directors of arts and trades are liable for the damages caused by their pupils or apprenticies while they are under their custody.

The liability referred to in this section shall cease when the liable persons mentioned therein prove that they employed all the diligence of a good father of a family to preclude the damage. -Civil Code, 1930, § 1803."

3. Law on Claims and Suits against the Commonwealth of Puerto Rico, 32 LPRA sec. 3077, reads in part as follows:

"Chapter 251. Actions Against the Commonwealth of Puerto Rico § 3077. Claims and suits against the Commonwealth-Authorization

Authorization is hereby granted to sue the Commonwealth of Puerto Rico before the Court of First Instance of Puerto Rico for the following causes of action:

(a) Actions for damages to a person or property up to the sum of seventy-five thousand (75,000) dollars caused by a culpable or negligent act or omission of any official, agent, or employee of the Commonwealth, or of any other person acting in an official capacity within the scope of his duty, office, or employment. Where such action or omission causes injury to more than one person, or where a single injured party is entitled to several causes of action the compensation for damages caused by such action or omission shall not exceed the sum of one hundred and fifty thousand (150,000) dollars. If from the findings of the court it arises that the sum of the damages caused to each one of the persons exceeds $150,000, the court shall proceed to prorate said sum among the plaintiffs, taking as a basis the damages sustained by each. When an action is brought against the Commonwealth for damages to person or property, the court shall direct, through the publication of edicts in a newspaper of general circulation, that all persons having a common interest shall appear together before the court on the

date set in the edicts, for the purpose of distributing the sum of one hundred and fifty thousand (150,000) dollars among the plaintiffs, as provided in sections 3077-3092 of this title...

(c) Civil actions which the amount claimed does not exceed seventy-five thousand (75,000) dollars in principal and which are based on the Constitution, or on any law of Puerto Rico, or on any regulation of any department or division of the Commonwealth, or on any contract, express or tacit, with the Commonwealth.-Amended Sept. 25, 1983, no. 30, p. 434, § 1, eff. Sept. 25, 1983."

Proceedings include all events. File Appeal Closed
3:94 cv2761 Gonzalez-Figueroa, et al v. USA

U.S. DISTRICT COURT
PUERTO RICO (SAN JUAN)

CIVIL DOCKET FOR CASE #94-CV-2761

Gonzalez-Figueroa, et al v. USA Filed: 12/30/94
Assigned to: Judge Daniel R. Dominguez
Demand: $104,100,000 Nature of Suit: 360
Lead Docket: None Jurisdiction:US Defendant
Dkt# in other court: None

Cause: 28:1346 Tort Claim

12/30/94	1	Complaint, with attachments. Filing fee $120.00 receipt # 74822 (mr) [Entry date 1/05/95'
1/3/95	--	Summons issued for USA (mr) [Entry date 1/11/95]
1/17/95	--	Case sent to open file. (su)
2/9/95	2	Motion by Julio Nazario-Sepulveda to substitute party plff Julio Nazario-Sepulveda for his heirs Carlota Inocencia-Fagundo, Julio, Marie & Carlos Gilberto Nazario Fagundo. (su) [Entry date 2/13/95]
2/13/95	--	CASE REFERRED TO JUDGE. (su)
3/16/95	3	Motion by USA to Dismiss, with memorandum in support attached. Response due 3/29/95. (mr) [Entry date 03/23/95]
3/27/95	4	Motion by All Plaintiffs to Extend Time until 4/27/95 to opp deft's mot. to dismiss (su) [Entry date 3/29/95]

Proceedings include all events. File Appeal Closed
3:94 cv2761 Gonzalez-Figueroa, et al v. USA

4/6/95	--	Endorsed order granting [4-1] motion to Extend Time until 4/27/95] to opp deft's mot to dismiss, Response to Motion reset to 4/28/95 for [3-1] motion to Dismiss (signed by Judge Daniel R. Dominguez) (su) [Entry date 4/07/95]
4/7/95	--	Case sent to open file. (su)
4/11/95	--	Case referred to judge. Dkt. no. 2. (ja)
4/26/95	5	Motion by counsel of All Plaintiffs to Extend Time until 5/5/95 to file oppo to mot to dism (mi) [Entry date 4/27/95]
5/1/95	--	Endorsed order granting [5-1] motion to Extend Time until 5/5/95 to file oppo to mot to dism, Response to Motion reset to 5/5/95 for [3-1] motion to Dismiss (signed by Judge Daniel R. Dominguez) (su) [Entry date 5/03/95]
5/5/95	6	Response w/memo in support by All Plaintiffs in opposition to [3-1] motior to dismiss by USA (su) [Entry date 5/08/95]
5/5/95	6	Motion by All Plaintiffs for Leave to File Amended Complaint, w/Amended Complaint tendered (su) [Entry date 5/08/95]
5/17/95	7	Motion by USA to Extend Time until 6/15/95 to file reply to plff's opp to deft's mot to dismiss (su) [Entry date 5/18/95]
5/22/95	8	Informative Motion by All Plaintiffs re: proof of service of mot for substitution of party. (su) [Entry date 5/23/95]

5/23/95	--	Endorsed order granting [7-1] motion to Extend Time until 6/15/95 to file reply to plff's opp to deft's mot to dismiss, Reply to Response motion reset to 6/15/95 for [3-1] motion to Dismiss (signed by Judge Daniel R. Dominguez] (su) [Entry date 5/24/95]
5/24/95	--	Case sent to open file. (su)
6/15/95	9	Motion with Memorandum in Support by USA to Dismiss pursuant to Rule 12. Response due 6/28/95. (su) [Entry date 6/16/95]
6/19/95	10	Motion by All Plaintiffs to Extend Time to resp to mot to dismiss (dkt #9) (su) [Entry date 6/20/95]
6/20/95	--	CASE REFERRED TO JUDGE. (su)
6/27/95	--	Endorsed order granting [10-1] motion to Extend Time to resp to mot to dismiss (dkt #9), Reply to Response to Motion reset to 7/10/95 for [3-1] motion to dismiss (signed by Judge Daniel R. Dominguez) (su) [Entry date 6/28/95]
6/30/95	11	Response by All Plaintiffs in opposition to [9-1] motion to dismiss pursuant to Rule 12 by USA (su) [Entry date 7/6/95]
7/13/95	12	Supplementary Arguments by All Plaintiffs in support of [6-1] opposition response by All Plaintiffs (su)
4/25/96	13	Informative Motion by All Plaintiffs re: regarding the procedural status of the case. (np) [Entry date 4/29/96]

6/11/96	14	Informative Motion by All Plaintiffs re: submitting a copy of Brenda E. Wright, supra, for reference. (np) [Entry date 6/12/96]
6/20/96	15	Response by USA in opposition to [14-1] motion information by All Plaintiffs (np) Entry date 6/21/96
6/25/96	16	Response by Manuel Gonzalez-Figueroa in opposition to [15-1] opposition response by USA (np) [Entry date 6/26/96]
2/26/97	17	OPINION AND ORDER granting [9-1] motion to dismiss pursuant to Rule 12, etc., as stated herein. (signed by Judge Daniel R. Dominguez) (il) [Entry date 2/28/97]
2/26/97	18	JUDGMENT dismissing this action purs to O& O. (signed by Judge Daniel R. Dominguez) (il) [Entry date 2/28/97]
2/26/97	--	Case closed (il) [Entry date 2/28/97]
3/17/97	19	NOTICE OF APPEAL [18-1] judgment order by All Plaintiffs Filing Fee $105 receipt #85543 Transcript Order Form furnished to appellant Appeal record due on 3/27/97 (np) [Entry date 3/18/97]
3/19/97	--	Certified and transmitted Record on Appeal to U.S. Court of Appeals: [19-1] appeal by All Plaintiffs (mr) [Entry date 5/02/97]
3/31/97	--	USCA Case number Re: [19-1] appeal by All Plaintiff USCA number: 97-1370 (np) [Entry date 4/01/97]

9/26/97	20	JUDGMENT OF USCA (certified copy), issued as informal mandate , Re: [19-1] appeal by all Plaintiffs affirming the judgment of DC. (np) [Entry date 9/29/97]